

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2011.

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

-----X  
IPC Systems, Inc.,

Plaintiff-Respondent,

-against-

West Corporation,

Defendant-Appellant.  
-----X

M-4791X  
Index No. 650785/10

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 22, 2011.

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

-----X  
Gentry T. Beach, et al.,  
Plaintiffs-Respondents,

-against-

M-4788X  
Index No. 603611/08

Touradji Capital Management, LP,  
Paul Touradji,  
Defendants-Appellants.

-----X  
Touradji Capital Management, LP,  
Paul Touradji,  
Counterclaim Plaintiffs-Appellants,

-against-

Gentry T. Beach, et al.,  
Counterclaim Defendants-Respondents.

-----X  
Touradji Capital Management, LP,  
Deeprook Venture Partners, LP,  
Paul Touradji,  
Counterclaim Plaintiffs-Appellants,

-against-

Vollero Beach Capital partners LLC,  
Counterclaim-Defendants-Respondents.

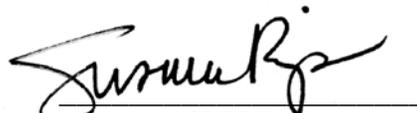
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 19, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 22, 2011.

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

-----X  
Chauncey Cooper and Luz DeJesus, as  
Co-Administrators of the Estate of  
Orlando Valle, Deceased, and  
Chauncey Cooper and Luz DeJesus,  
Individually,  
Plaintiffs-Respondents,

-against-

M-4473  
Index No. 13217/07

Gaiety Investments, Ltd.,  
Defendant-Appellant,

-and-

Club BR. LLC doing business as "BED",  
et al.,  
Defendants-Respondents,

-and-

Granville Adams,  
Defendant.  
(And third-party actions)

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 13, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed October 3, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2011 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 November 22, 2011.

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

-----X

DMDB Adults, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-4782

Index No. 103977/09

Bank of America Corp., doing business  
as Bank of America,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 12, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated October 14, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2011 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 November 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr., Justices.

-----X  
New York Nightlife,

Plaintiff-Appellant,

-against-

Wagner Davis, P.C., et al.,

Defendants-Respondents.  
-----X

**M-3955**  
Index No. 603740/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 26, 2010 (mot. seq. no. 003),

And defendants-respondents having moved for an extension of time in which to file a respondents' brief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 15, 2011, and due deliberation having been had thereon, it is

Ordered that defendants' 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 November 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr., Justices.

-----X  
John Burton and Josette Burton,  
Plaintiffs-Appellants-Respondents,

-against-

**M-4070**  
Index No. 17566/07

CW Equities, LLC,  
Defendant-Respondent-Appellant,

-and-

T.F.N. Development Corp., doing  
business as East Coast Construction  
Group,  
Defendant-Respondent.

-----X  
(And other actions)  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 22, 2010, and said appeals having been perfected,

And defendant-respondent having moved for an adjournment of the aforesaid appeal and cross appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 16, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is deemed 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 November 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
James M. Catterson  
Rosalyn H. Richter, Justices.

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

Marie Latoni,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

**M-4598**  
Index No. 401742/10

-against-

New York City Housing Authority,  
Respondent.

-----X

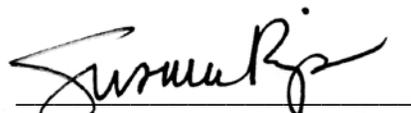
An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 2, 2011,

And respondent having moved to dismiss the aforesaid proceeding,

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

It is ordered that the motion is granted unless the proceeding is perfected for the March 2012 Term. Upon failure to so perfect, an order dismissing the proceeding may be entered ex parte, provided respondent serves a copy of this order upon the petitioner 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 November 22, 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 a Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

-----  
Jose F.,  
Petitioner-Appellant,

**M-4595**  
Docket No. V17326/10

-against-

Celinda H.,  
Respondent-Respondent.

-----  
Randall Carmel, Esq.,  
Attorney for the Child, Jaylene F.

-----X  
Petitioner-appellant father 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 August 17, 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, Kenneth M. Tuccillo, Esq., P.O. Box 576, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for

inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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-4653, decided simultaneously herewith.)

ENTER:

  
CLERK

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<sup>1</sup>Service 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 November 22, 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 a Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

-----  
Jose F.,  
Petitioner-Appellant,

**M-4653**  
Docket No. V17326/10

-against-

Celinda H.,  
Respondent-Respondent.

-----  
Randall Carmel, Esq.,  
Attorney for the Child, Jaylene F.

-----X  
Deborah Nadler, Esq., Family Court attorney for the subject child, Jaylene F., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about August 17, 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) 921-8000, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4595, 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 November 22, 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

Raven L.,

**M-4824**

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D516/11

Respondent-Appellant.  
-----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, Telephone 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;<sup>1</sup> **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

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<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
117 West 142, LLC,

Petitioner-Landlord-Appellant,

-against-

M-4226  
Index No. 92707/09

Yvette Matthews,

Respondent-Tenant-Respondent.  
-----X

Petitioner-landlord 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 April 29, 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 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 November 22, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

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

-against-

M-2439  
Ind. No. 4404/97

Alfredo Victoria, also known as  
Alfredo Victorio, also known as  
Alfredo Victoriale, also known as  
Alfredi Victorial,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 2, 2003 (Appeal No. 2357), unanimously affirming a judgment of the Supreme Court, Bronx County (Frank Torres, J.), rendered on December 7, 1999, as amended January 26, 2000,

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 November 22, 2011.

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

-----X  
Citibank, N.A.,  
Plaintiff-Respondent,

-against-

M-4592  
Index No. 651702/10

John L. Fiorilla,  
Defendant-Appellant.

-----X  
John Leopoldo Fiorilla Trust U/A/D  
June 25, 2003 and John Leopoldo  
Fiorilla,  
Third-Party Plaintiffs-Appellants,

-against-

Third Party  
Index No. 591157/10

Citigroup Financial Productions, Inc.  
Third-Party Defendant.

-----X

Defendant-appellant and third-party plaintiffs-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 29, 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 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 November 22, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Marko Stifanic,  
Plaintiff-Respondent,

-against-

**M-4425**  
Index No.3903/09

Heather Stifanic,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeals from orders of the Supreme Court, Bronx County, entered on or about November 18, 2010 and December 17, 2010, respectively, for leave to have the appeals heard upon the original record(s) 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 only the appeal taken from the order entered on or about December 17, 2010 to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect said appeal is enlarged to the April 2012 Term. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2011.

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

-----X  
Migdalia Canales,

Plaintiff-Appellant,

-against-

**M-4616**

Index No. 8279/06

The City of New York and New York City  
Police Detective Willie Brown,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 29, 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 November 22, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X

Janith King, as the Administrator  
of the Estate of Thorrie Murray,  
deceased,  
Plaintiff-Appellant,

M-3518  
Index No. 7431/01

-against-

St. Barnabas Hospital, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 30, 2011 (Appeal No. 4654),

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 November 22, 2011.

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

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

Respondent,

-against-

**M-3789**  
Ind. No. 355/05

Joseph Fisher,

Defendant-Appellant.  
-----X

Defendant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2011 (Appeal No. 5405),

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 November 22, 2011.

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

-----X  
Esther Salgado,  
Plaintiff-Respondent,

-against-

M-5133  
Index No. 108695/06

The Port Authority of New York and  
New Jersey and American Airlines,  
Defendants-Appellants.

-----X

Defendant-appellant American Airlines having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 7, 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 November 22, 2011.

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

-----X

Jodd Readick,  
Plaintiff-Respondent,

-against-

M-4535  
Index No. 350161/04

Jeannette Readick,  
Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about May 6, 2009 and August 9, 2010 (mot. seq. no. 008), respectively,

And an order of this Court having been entered on August 25, 2011 (M-2579) denying dismissal of said appeals, with leave to renew as indicated therein,

And plaintiff having renewed their motion for an order dismissing defendant's 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 dismissing the appeal from the order entered on or about August 9, 2010 (mot. seq. no. 008.) Insofar as movant seeks to dismiss the appeal of the order entered on or about May 6, 2009 it is denied as academic on the ground that the appeal has been dismissed by a prior order of this Court entered January 20, 2011 (Appeal No. 4079/4080/4081.)

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 November 22, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X

Frank Montalbano,  
Plaintiff-Respondent,

-against-

136 W. 80<sup>th</sup> St. CP,  
Defendant,

M-2878  
Index No. 112714/08

James Callanan,  
Defendant-Respondent,

80<sup>th</sup> Street Owners Corp.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2011 (Appeal No. 3657),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated October 21, 2011 from Stanford Kaplan, Esq., counsel for defendant-appellant, 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 November 22, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----x

Elizabeth Combier,  
Plaintiff-Appellant,

-against-

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

M-4448  
Index No. 101748/05

El-Kam Realty Co. and Modern French  
Cleaners, Inc., etc.,  
Defendants-Respondents.

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

-----x

Defendant-respondent Modern French Cleaners, Inc. having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about April 28, 2011,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated October 14, 2011 from MacCartney, MacCartney, Kerrigan & MacCartney (William K. Kerrigan, of counsel), counsel for defendant-respondent Modern Franch Cleaners, Inc., 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 November 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Ernie Luis T., Jr.,

**M-4821**

Docket No. B1491/07

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

-----  
Family Support Systems Unlimited, Inc.,  
et al.,

Petitioners-Respondents,

Enid F.,

Respondent-Appellant.

-----X

Respondent-appellant mother, Enid F., having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about August 19, 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, Carol L. Kahn, Esq., 225 Broadway, New York, NY 10007, Telephone No. (212) 227-0206, 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;<sup>1</sup> **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

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<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 5, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----x  
In the Matter of

Dayanara V., Stephanie V., Crystal V.,  
Angelina V., Alexa V., Ka-el V., and  
Christopher V.,

M-4846A  
Docket Nos. NA31684/09  
NA31685/09  
NA31686/09  
NA31687/09  
NA31688/09  
NA31689/09  
NA31690/09

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

-----  
Administration for Children's  
Services, et al.,  
Petitioners-Respondents,

Carlos V.,  
Respondent-Appellant.

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

-----x  
An order of this Court having been entered on November 22, 2011 (M-4846), granting respondent-appellant leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, Bronx County, entered on or about June 13, 2011, and from the order of disposition of same Court entered on or about October 5, 2011, and assigning Howard M. Simms, Esq., as counsel for purposes of the appeal,

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

Ordered that the designation of Howard M. Simms, Esq., as counsel on the appeal is vacated and, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY, 10601, Telephone No. 914-949-8214, is substituted as counsel

for purposes of prosecuting the appeal. The poor person relief previously granted is continued, and assigned counsel is directed to perfect the appeals within 120 days from the date of this order or the date of the filing of the record, whichever is later. The order of this Court entered on November 22, 2011 (M-4846) 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 November 22, 2011.

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

-----X

In the Matter of

Dayanara V., Stephanie V., Crystal V.,  
Angelina V., Alexa V., Ka-el V., and  
Christopher V.,

**M-3812**

Docket Nos. NA31684/09  
NA31685/09  
NA31686/09  
NA31687/09  
NA31688/09  
NA31689/09  
NA31690/09

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

-----  
Administration for Children's  
Services, et al.,  
Petitioners-Respondents,

Luz V.,  
Respondent-Appellant.

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

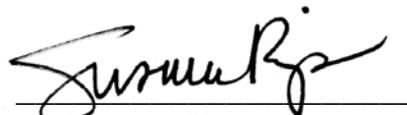
-----X

Respondent-appellant mother pro se having moved for leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, Bronx County, entered on or about July 13, 2011 and from the order of disposition of the same Court entered on or about October 5, 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 deeming the notice of appeal filed on behalf of the mother to notice an appeal from the order of disposition of the same Court entered on or about October 5, 2011 and (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. (212) 579-5719, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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-4846, decided simultaneously herewith.)

ENTER:

  
CLERK

---

<sup>1</sup>Service 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 November 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-4811**

Ind. No. 3833/08

Harold Taylor, also known as Howard Taylor,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, and said appeal having been perfected,

And an order of this Court having been entered on January 29, 2009 (M-18), granting defendant poor person relief and assigning Robert S. Dean, Esq., as counsel on the appeal,

And an order of this Court having been entered on October 15, 2009 (M-3987), relieving Robert S. Dean, Esq., and substituting Richard M. Greenberg, Esq., as counsel on the appeal,

And an order of this Court having been entered on December 14, 2010 (M-4847), denying defendant's pro se motion to relieve prior assigned counsel,

And defendant-appellant pro se having renewed his motion to relieve Richard M. Greenberg, Esq., as counsel for defendant and substituting other counsel to prosecute defendant'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 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 November 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Katz Park Avenue Corp.,

Plaintiff-Respondent,

**M-4452**

Index No. 104524/05

-against-

Bianca Jagger, "John Doe" and "Jane Doe",

Defendants-Appellants.

-----X

Defendant-appellant Bianca Jagger having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 5, 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 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 November 22, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Eddy Rodriguez,  
Plaintiff-Appellant,

-against-

M-4513  
Index No. 303734/07

Leggett Holdings, LLC and Gecaj  
Management, LLC,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to file his reply brief in connection with the appeal from an order of the Supreme Court, Bronx County, entered on or about April 29, 2010, and said appeal having been perfected,

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 adjourned to the February 2012 Term. Plaintiff-appellant is directed to file his reply brief on or before January 13, 2012 for said 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 November 22, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
2470 Cadillac Resources, Inc., et al.,  
Plaintiffs-Appellants,

-against-

DHL Express (USA), Inc.,  
Defendant-Respondent,

M-3017  
Index No. 603613/08

Deutsche Post AG,  
Defendant.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 31, 2011 (Appeal No. 5216),

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 November 22, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

Ying Jing Yan,

Plaintiff-Respondent,

-against-

M-3113  
Index No. 311607/08

Ke-en Wang,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2011 (Appeal No. 5274),

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 November 22, 2011.

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

-----X  
The People of the State of New York  
ex rel. Robert Parris, also known  
as Pariss,  
Petitioner,

-against-  
Warden, etc.,  
Respondent(s).

M-4009  
Ind. Nos. 905/09  
4285/09

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion is denied (CPLR 7003[b]).

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 November 22, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-1073  
Ind. No. 3242/87

Willie Leon Hall,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 10, 1990 (Appeal No. 40578), unanimously affirming a judgment of the Supreme Court, Bronx County (Bernheim, J.), rendered on January 11, 1988,

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 November 22, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3290

Ind. No. 3011/03

Anderson Stuckey,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 15, 2008 (Appeal No. 3372), unanimously affirming a judgment of the Supreme Court, Bronx County (David Stadtmauer, J.), rendered on January 6, 2006,

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 November 22, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. Degrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3993  
Ind. No. 3558/07

Anthony Pompey,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 25, 2009 (Appeal No. 912), unanimously affirming a judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on April 2, 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 November 22, 2011.

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

-----X  
"D.H. Anonymous", etc., et al.,

Plaintiffs-Appellants,

**CONFIDENTIAL**  
**M-4044**

-against-

Index No. 115883/99

Kindercare Learning Centers, Inc.,

Defendant-Respondent.  
-----X

A decision and order of this Court having been entered on April 8, 2004 (Appeal No. 3335), under the caption, *Djovan Henriques, etc., et al. v Kindercare Learning Center, Inc.*, modifying the judgment of the Supreme Court, New York County, entered on or about March 7, 2003,

And plaintiffs-appellants having moved for an order amending the original caption and substituting "anonymous" in place of plaintiff's true name, and directing the Clerk to make the corresponding changes on all Court documents past and present, including this Court's websites to reflect said change, 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 designating this matter "Confidential" for purposes of this Court's records and directing the State Court Reporter to substitute "D.H. Anonymous" for the name of the plaintiff in this action.

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 November 22, 2011.

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

-----X

Thomas O'Connor,

Plaintiff-Appellant,

-against-

**M-4895**

Index No. 106274/01

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

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011,

And plaintiff-appellant having moved for an order permitting him to take the depositions of certain "material medical fact" witnesses, and staying 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2011.

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

-----X  
421 W. 22 LLC & 421 W. 22B LLC,

Petitioner-Respondent-Landlord,

-against-

M-4411  
Index No. 570562/10

Otto Walkberg,

Respondent-Appellant-Tenant.  
-----X

Petitioner-respondent-landlord having moved for leave to appeal to this Court from 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 15, 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 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 November 22, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
El Entertainment U.S. LP,

Plaintiff-Appellant,

-against-

M-3338

Index No. 650135/09

Real Talk Entertainment, Inc., et al.,

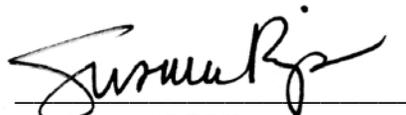
Defendants-Respondents.  
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 16, 2011 (Appeal No. 5373),

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 November 22, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Savik, Murray & Aurora Construction  
Management Co., LLC,  
Plaintiff-Appellant,

-against-

M-3809  
M-4110  
M-4126

ITT Hartford Insurance Group, et al.,  
Defendants-Respondents,

Index No. 110593/06

INSCORP of New York, etc.,  
Defendant.

-----X

Plaintiff-appellant having moved for reargument and/or renewal of the decision and order of this Court entered on July 28, 2011 (Appeal No. 4154) [M-3809],

And defendant-respondent ITT Hartford Insurance Group [M-4110] and defendant-respondent QBE Insurance Corporation [M-4126] having separately cross-moved for reargument of the aforesaid decision and order,

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

It is ordered that the motion and cross motions are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

In re Alexander John B. and Another,

Children Under the Age of  
Eighteen Years, etc.,

Cynthia A.,  
Respondent-Appellant,

M-4546  
Docket No. B27940-1/08

Cardinal McCloskey Services, et al.,  
Petitioners-Respondents.

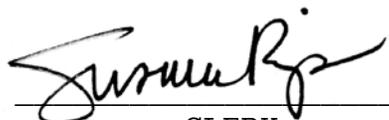
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 27, 2011 (Appeal No. 5571/5571A/5571B),

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 November 22, 2011.

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

-----X  
In the Matter of

Joy Goldberg, M-4507  
Petitioner, Index No.109078/10

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

Lorraine Coretz-Vasquez as New York  
Secretary of State,  
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 January 11, 2011,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to the 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 November 22, 2011.

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

-----X

Westlab AG, acting by and through its  
New York Branch, individually as Lender  
and as Administrative Agent,  
Plaintiff-Respondent,

**M-4568**  
Index No. 600162/10

-against-

Robert W. Emmett, III, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 9, 2010,

And the law firm of Womble Carlyle Sandridge & Rice, LLP (Deborah J. Israil, of Counsel) having moved to withdraw as counsel for defendants-appellants, Robert Emmett III Esq., and Folio St. John Admin, LLC,

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 law firm of Womble Carlyle Sandridge & Rice, LLP to withdraw as appellate counsel for defendants-appellants on condition said counsel serves a copy of this order upon all parties within 10 days of 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 November 22, 2011.

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

-----X

John Hollings, Inc.,  
Plaintiff-Appellant,

-against-

M-2199

M-2388

Nick & Duke, LLC, et al.,  
Defendants-Respondents,

Index No. 600298/08

John Doe, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for reargument/renewal of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 7, 2011 [Appeal No. 4718] (M-2199),

And defendants-respondents having cross-moved for the imposition of costs and attorney's fees for frivolous conduct pursuant to 22 NYCRR 130-1.1 of the Chief Administrator (M-2388),

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

It is ordered that the motion (M-2199) is denied, with \$100 costs payable to defendants-respondents. The cross motion (M-2388) is granted only to the extent that, pursuant to 22 NYCRR Part 30, sanctions are imposed on plaintiff-appellant and its attorney, Peter J. Calderon, Esq., each in the amount of \$2,500, to be deposited with the Lawyers' Fund for Client Protection (22 NYCRR 130-1.3), with \$100 costs payable to defendants-respondents. The Clerk of the Supreme Court, New York County, is directed to entered judgment accordingly. The cross motion is otherwise denied.

The cross motion, to the extent it seeks sanctions pursuant to 22 NYCRR Part 130 (M-2388), is granted to the extent indicated based on the finding of Supreme Court, New York County, affirmed by this Court in deciding the appeal, that plaintiff's conduct in commencing this action, which is barred as a matter of law by a prior adjudication against plaintiff in a summary holdover proceeding, was frivolous within the meaning of 22 NYCRR 130-1.1. Given that the commencement of the action was frivolous, it was similarly frivolous for plaintiff, with the aid of its attorney, to prosecute the appeal from the dismissal of the complaint and, after the appeal was decided, to move for reargument or renewal of the appeal or, alternatively, for leave to appeal to the Court of Appeals. We further note that the scurrilous and ad hominem attacks on opposing counsel in plaintiff's motion papers are also frivolous within the meaning of 22 NYCRR 130-1.1. Accordingly, we award defendants-respondents statutory costs on both the motion (M-2199) and the cross motion (M-2388), and also impose a sanction of \$2,500 each on plaintiff-appellant and its attorney, Peter J. Calderon, Esq. (see, 22 NYCRR 130-1.1[a]; 22 NYCRR 130-1.2), to be deposited, as indicated.

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 November 22, 2011.

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

-----X

In the Matter of the Arbitration Between

MK Link Investment Partnership,  
Petitioner-Respondent,

-and-

Levine Investments, L.P.,  
Petitioner,

-against-

WSW Capital, Inc., et al.,  
Respondents,

CSAM Capital, Inc., as successors in  
interest,  
Respondent-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 29, 2010, and said appeal having been perfected,

And respondent-appellant having moved for an order enlarging the record on appeal to include certain documents attached as Exhibit 1 (A through M) to respondent-appellant's moving papers (M-4475),

And petitioner-respondent having cross-moved for an order striking petitioner's brief or, in the alternative, striking certain portions of said brief outside of the record, and awarding petitioner certain counsel fees and costs (M-4647),

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

Ordered that respondent-appellant's motion is denied (M-4475). Petitioner-respondent's cross motion is granted to the extent of striking respondent-appellant's brief without prejudice to re-filing a new brief on or before January 3, 2012 for the March 2012 Term, to which Term the appeal is adjourned, which omits all references to the so called "Post-Judgment Documents" described in paragraph 16 of the affirmation of Peter J. Macdonald, Esq., submitted in support of respondent-appellant's motion to enlarge the record on appeal and attached thereto as Exhibit 1 (A through M), and is otherwise denied. The Clerk is directed to accept the new brief without further fee.

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 November 22, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Joyce Meshel,  
Plaintiff-Appellant,

-against-

M-4090  
Index No. 350604/04

Jeffrey Meshel,  
Defendant-Respondent.

-----X

Appeals having been taken from a judgment and order of the Supreme Court, New York County, entered on or about August 27, 2008 and May 7, 2010 (mot. seq. no. 008), respectively,

And an order of this Court having been entered May 5, 2011 enlarging the time in which to perfect the aforesaid appeals to the September 2011 Term, with no further enlargements to be granted (M-1114),

And defendant-respondent having moved to dismiss the aforesaid appeals for failure to timely perfect the aforesaid appeals and for the release of an undertaking posted on June 30, 2010, for fees to be paid to defendant-respondent's attorney,

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 aforesaid appeals are dismissed. It is further ordered that the Department of Finance of the City of New York is directed to pay to Mark S. Helweil, Esq., by draft, the posted undertaking in the amount of

\$11,097.50 and lawful interest thereon and less statutory fees afforded the Commissioner of Finance and to deliver said draft payable to Mark S. Helweil, Esq., to the office of Mark S. Helweil, 369 Lexington Avenue, 15<sup>th</sup> Floor, New York, NY 10017.

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 November 22, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Dany Moyal,

Plaintiff-Respondent-Appellant,

-against-

Marc Moyal,

Defendant-Appellant-Respondent.  
-----X

M-3557  
M-4042  
Index No. 350058/07

Defendant-appellant-respondent having moved for resettlement of the decision and order of this Court entered on June 23, 2011 (Appeal Nos. 3221/3222/3222A) [M-3557],

And plaintiff-respondent-appellant having moved for reargument and/or reconsideration of the decision and order of this Court should the motion be granted [M-4042],

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

It is ordered that the motion is denied, and the cross motion is 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 November 22, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Siegel Consultants, Ltd.,  
Plaintiff-Appellant,

-against-

M-3430  
Index No. 603277/08

Nokia, Inc., et al.,  
Defendants-Respondents.

- - - - -  
5 LLC,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590221/09

Friedland Realty, Inc., et al.,  
Third-Party Defendants-Respondents-  
Respondents.

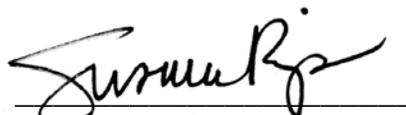
-----X

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 June 28, 2011 (Appeal No. 4950),

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 November 22, 2011.

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

-----X  
In re Manny E. Duell,  
Deceased.

-----  
Andrew J. Duell,  
Petitioner-Appellant,

M-3717  
File No. 4835/77

-against-

Thea Duell, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 14, 2011 (Appeal No. 5331),

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 November 22, 2011.

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

-----X  
Blank Rome, LLP,  
Plaintiff-Appellant,

-against-

**M-4641**

Index No. 601809/05

Karl M. Parrish,  
Defendant-Respondent.

-----X

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

And plaintiff-appellant having moved for an order staying certain discovery pending hearing and determination of the appeal,

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

Ordered that the motion is 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 November 22, 2011.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

**M-4772**

Ind. No. 4239/06

Shaheed Robinson, also known as  
Shaheem Robinson,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 14, 2008, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 21, 2012 for the May 2012 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

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 - 4383  
Ind. No. 984/93

-against-

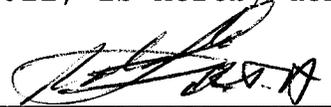
CERTIFICATE  
DENYING LEAVE

Eric Mendoza,

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 April 15, 2011, is hereby denied.



\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: October 31, 2011  
New York, New York

ENTERED: NOV 22 2011

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 4588  
Ind. No. 316/2000

-against-  
Arelis Young

CERTIFICATE  
GRANTING LEAVE

Defendant-Appellant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about September 1, 2011.

Dated: November 14, 2011  
New York, New York

SA-S  
\_\_\_\_\_  
Hon. Sheila Abdus-Salaam  
Associate Justice

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

**ENTERED**

NOV 22 2011

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

BEFORE: Hon. Leland G. DeGrasse  
Associate Justice of the Appellate Division

-----X  
In the Matter of

THE WESTCHESTER SQUARE/ZEREGA IMPROVEMENT  
ORGANIZATION, INC., JOHN BONIZIO, SANDI  
LUSK, HANNAH ACAMPORA, and JOHN C. LIU,  
Comptroller of the City of New York,

M-3752

Index No. 260573/09

Petitioners,

-against-

CERTIFICATE  
DENYING LEAVE

SETH DIAMOND, Commissioner of the New York  
City Department of the Homeless Services,  
THE CITY OF NEW YORK, SAINTS TOWER, LLC,  
and "JOHN DOE" and "JANE DOE",

Respondents.

-----X

Petitioners having moved for leave to appeal to this Court  
from the order of the Supreme Court, Bronx County, entered on or  
about May 18, 2011, and for a stay of 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 denied.



---

Hon. Leland G. DeGrasse  
Associate Justice

Dated: November 14, 2011  
New York, New York

Entered: **NOV 22 2011**

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

BEFORE: Hon. Nelson S. Román  
Justice of the Appellate Division

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

M-4293  
Ind. No. 2066/07

-against-

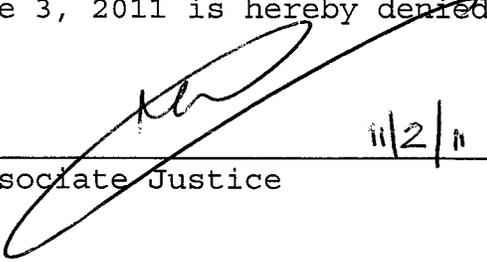
CERTIFICATE  
DENYING LEAVE

Ernesto Abreu,

Defendant.

-----X

I, Nelson S. Román, 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, rendered on or about June 3, 2011 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

11/2/11

Dated:  
New York, New York

ENTERED: **NOV 22 2011**