

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 October 25, 2011.

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

-----X  
Wayne Thomas Salon, Inc.,  
Plaintiff-Appellant,

-against-

M-3902X  
Index No. 603632/09

Regina Moser, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 15, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 25, 2011.

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

-----X  
Jorge Nieves and Rosa Nieves,  
Plaintiffs-Respondents,

-against-

M-4022X  
Index No. 24204/04

Riverbay Corporation,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 8, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 31, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 25, 2011.

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

-----X  
Patricia Maloney,  
Plaintiff-Appellant,

-against-

M-4080X  
Index No. 109440/09

New York City Transit Authority,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 10, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 8, 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 October 25, 2011.

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

-----X  
Fasciana and Associates, P.C.,  
Plaintiff-Appellant,

-against-

M-4083X  
Index No. 112173/06

James Biden, R. Hunter Biden and  
Anthony V. Lotito, Jr.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 7, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 8, 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 October 25, 2011.

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

-----X  
Susan Crimp,  
Plaintiff-Respondent,

-against-

M-4159X  
Index No. 109866/09

21 West 58<sup>th</sup> Street LLC and 21 West  
58<sup>th</sup> Street Corporation,  
Defendants-Appellants.

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

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 12, 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 October 25, 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,  
Appellant,

-against-

M-4173  
Ind. No. 912/00

Anthony Johnson, also known as  
Isaih Basket,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 20, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated April 1, 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 October 25, 2011.

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

-----X  
OneBeacon America Insurance Company,  
etc., et al.,  
Plaintiffs-Respondents,

-against-

M-4088  
Index No. 601382/08

Newmont Mining Corporation and its  
successor Newmont USA Limited,  
Defendants-Appellants,

Dawn Mining Company, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 15, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated September 1, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 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 October 25, 2011.

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

-----X

New Stadium LLC,  
Plaintiff-Appellant,

-against-

M-4005  
Index No. 600493/05

Greenpoint-Goldman Corp.,  
Defendant-Respondent.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about April 15, 2010 (mot. seq. no. 006),

Now, upon reading and filing the stipulation of the parties hereto, dated August 10, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 October 25, 2011.

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

-----X  
AXA Art Insurance Corporation, as  
Subrogee of Steven A. Cohen,  
Plaintiff-Respondent,

-against-

M-4091  
Index No. 105968/08

Arenson Office Furnishings, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about December 2, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 1, 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 October 25, 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  
RCDolner, LLC and R.C. Dolner, Inc.,  
Petitioners-Appellants,

For an Order Pursuant to Article 75  
of the Civil Practice Law and Rules

-against-

M-3841  
Index No. 603804/09

271 Mulberry Street Company, LLC  
and The Board of Managers of the 285  
Lafayette Street Condominium,  
Respondents-Respondents.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about April 27, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 October 25, 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 a  
Custody/Visitation Proceeding

Alexis Santiago,  
Petitioner,  
  
-against

M-3745  
Docket No. V-00335-09/09C

Nelson Rivera,  
Respondent.  
-----X

An appeal having been taken from order of the Supreme Court, Bronx County (IDV Part), entered on or about August 15, 2011,

And petitioner having moved for leave to prosecute, as a poor person, the aforesaid appeal, for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Pierre M. Janvier, Esq., and due deliberation having been had thereon,

It is ordered that the appeal and motion are 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 October 25, 2011.

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

-----X

Florence Shapiro,  
Plaintiff-Respondent,

-against-

M-2996  
Index No. 105318/07

350 E. 78th Street Tenants Corp.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2011 (Appeal No. 1925),

Now, upon reading and filing the papers with respect to the motion, and the stipulation between the parties dated August 11, 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



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



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

ENTER:

  
CLERK



Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3944

Ind. No. 3848/10

Dwayne Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3946

Ind. No. 3754N/10

Levan Mallard,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 21, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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 October 25, 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-3949

Ind. No. 6040/09

Robert Way,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-4012

Ind. No. 3553/10

José Basono, also known as  
José Bisono,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 9, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-4014

Ind. No. 350/11

Donald Fry,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 10, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2011.

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

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

Respondent,

-against-

M-4016

Ind. No. 460N/11

James Gardner,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 10, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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



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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-4021

Ind. No. 1732/10

Jonathan Mata,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 4, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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 October 25, 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-4025

Ind. No. 4656/09

Evita Quimbley,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 20, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2011.

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

-----X  
Dina Cahn,  
Plaintiff-Respondent,

-against-

M-4267  
Index No. 350419/07

Jerry Cahn,  
Defendant-Appellant.  
-----X

Defendant-appellant 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 2, 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 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 October 25, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. Degrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Albert H. Crescenzi,  
Plaintiff-Respondent,

-against-

M-4213  
Index No. 117498/09

Hospital for Special Surgery,  
Defendant-Appellant,

East River Medical Imaging, P.C.,  
Defendant.

-----X

Defendant-appellant 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 October 26, 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 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 October 25, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. Degrasse  
Sheila Abdus-Salaam, Justices.

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

Joseph Ardizzone, et al.,  
Petitioners-Appellants,

-against-

M-4350  
Index No. 103406/09

Michael Bloomberg, etc., et al.,  
Defendants-Respondents.

-----X

Petitioners-appellants 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 August 30, 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 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 October 25, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Donerail Corporation N.V.,  
Plaintiff-Respondent,

-against-

M-3858  
Index No. 602108/09

405 Park LLC,  
Defendant-Appellant.  
-----  
(And another action)

-----X

Defendant-appellant 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 February 8, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time 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 October 25, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. Degrasse  
Sheila Abdus-Salaam, Justices.

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

Underbruckner Realty Corp. and  
Bronx Center For Rehabilitation and  
Healthcare,  
Petitioners-Respondents,

-against-

M-4330  
Index No. 102192/07

The Tax Commission of The City of  
New York and The Commissioner of  
Finance of The City of New York,  
Respondents-Appellants.

-----X

Respondents-appellants 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 November 15, 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 October 25, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----x

Executive Risk Indemnity Inc.,

Plaintiff-Appellant,

-against-

M-4148

Index No. 601693/07

Starwood Hotels & Resorts, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about August 1, 2011 (mot. seq. nos. 004, 005),

And plaintiff-appellant having moved for a stay of enforcement of the order pending hearing and determination of the appeal taken therefrom,

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 October 25, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----x  
Patricia Leighton,

Plaintiff-Appellant,

-against-

M-4316

Index No. 115379/08

Marc Lowenberg, D.D.S., et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 30, 2011 (mot. seq. nos. 005, 006),

And plaintiff-appellant having moved for a stay of so much of the aforesaid order directing her to submit to a further deposition and physical examination, 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 October 25, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Daniel Wise,  
Plaintiff-Appellant,  
  
-against-  
  
378 Third Avenue Associates LLC, et al.,  
Defendants-Respondents.  
-----X

M-3672  
Index No. 108739/10

Plaintiff-appellant having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 16, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated August 10, 2011, is hereby 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 October 25, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----x

Mark Filstein,  
Plaintiff-Respondent,

-against-

Sonia Bromberg,  
Defendant-Appellant.

M-3994  
M-4166  
Index No. 304112/11

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 10, 2011,

And defendant-appellant pro se having moved, pursuant to CPLR 5519(c), for a stay of all proceedings pending hearing and determination of the aforesaid appeal (M-3994),

And plaintiff-respondent having cross-moved for, inter alia, the imposition of costs and fees upon defendant-appellant for frivolous conduct pursuant to 22 NYCRR § 130-1.1 (M-4166),

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. The cross motion is denied, without prejudice to further proceedings in Supreme Court.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. Degrasse  
Sheila Abdus-Salaam, Justices.

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

Evelyn Cruz,  
Petitioner,

-against-

New York City Housing Authority,  
Respondent.

M-4273  
Index No. 403225/09

-----X

Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 4, 2011,

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

It is ordered that the motion is 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 October 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

IRB-Brasil Resseguros S.A.,

Plaintiff-Respondent-Appellant,

-against-

**M-2921**

Index No. 604449/06

Portobello International Limited,  
et al.,

Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 24, 2011 (Appeal No. 5154),

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 October 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Lanelis V.,

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

**M-4146**  
Docket No. NN25545/09

- - - - -  
Commissioner of Social Services of the City of New York,  
Petitioner-Respondent,

Daisy C.,  
Respondent-Appellant.

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

-----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, entered on or about March 2, 2011 and August 5, 2011, respectively, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, 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.**

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 October 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Joseph Lipari,  
Plaintiff-Respondent-Appellant,

-against-

AT Spring, LLC, et al.,  
Defendants-Respondents-Respondents.

**M-4078**

**M-4335**

Index No. 106047/07

-----X  
Shawmut Woodworking & Supply, Inc.,  
doing business as Shawmut Design &  
Construction,  
Third-Party Plaintiffs-Respondents-  
Respondents,

Index No. 590774/07

-against-

Imperial Woodworking Company,  
Third-Party Defendant-Appellant-  
Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 5, 2011 (mot seq nos. 005, 006, 007), and said appeal and cross appeal having been perfected,

And plaintiff-respondent-appellant having moved for a stay of trial pending hearing and determination of the appeal and cross appeal (M-4078),

And third-party defendant-appellant-respondent having cross-moved for the same relief (M-4335),

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

Ordered that the motion and cross motion are 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 October 25, 2011.

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

-----X

Jennifer Cangro,  
Plaintiff-Appellant,

-against-

M-3511  
Index No. 106491/10

Phyllis C. Solomon,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2010, and said appeal having been perfected,

And an order of this Court (M-2832) having been entered on July 21, 2011, striking the aforesaid appeal from this Court's September 2011 Term, with leave to re-perfect, without further fee, said appeal for this Court's December 2011 Term,

And plaintiff having moved for an order vacating the aforesaid order of this Court entered July 21, 2011 (M-2832) and restoring the appeal to this Court's calendar upon the appendix previously filed or, in the alternative, enlarging the time in which to re-perfect said appeal beyond the December 2011 Term,

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 October 25, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Hudson Valley Federal Credit Union,  
Plaintiff-Appellant,

-against-

**M-3106**  
Index No. 106732/09

New York State Department of Taxation  
and Finance, et al.,  
Defendants-Respondents.

- - - - -  
Credit Union Association of New York,  
National Association of Federal Credit  
Unions and the United States of America.  
-----X

A decision and order of this Court having been entered on June 2, 2011 (Appeal Nos. 5235-5236), unanimously affirming the judgment of the Supreme Court, New York County, entered on or about July 21, 2010,

And defendants-respondents having moved for an order prohibiting plaintiff from further use or disclosure of certain legal memoranda of defendant, New York State Department of Taxation and Finance, and for other related relief,

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

Ordered that the motion is denied, without prejudice to defendants seeking said relief in Supreme Court, New York County.

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 October 25, 2011.

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

-----X  
In the Matter of

Pamela L. and Alice L.,  
Petitioners-Respondents,

**M-3685**  
Docket Nos. O-10259/08  
O-10260/08

-against-

Mitchell S.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about April 7, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that, sua sponte, the appeal is dismissed for failure to be timely prosecuted. Respondent's motion for poor person relief 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 October 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

**M-3200**  
Ind. No. 30043/11

Miguel Goitia,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Marcy Kahn, J.) entered on or about May 11, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time in which to perfect the appeal is enlarged 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 October 25, 2011.

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

-----X  
In the Matter of

Marlyn J'Ace A.,

A Child Under 18 Years of Age Alleged to be Neglected and/or Abused Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -

Edwin Gould Services for Children and Families, et al.,  
Petitioners-Respondents,

M-4169  
Docket No. B-2006/07

Lynora A.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 4, 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, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, New York 10001, Telephone No. 646-595-9090, 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.**

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 October 25, 2011.

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

-----X

In the Matter of the Application of

Abram Bauman and Lyudmila Bauman,  
Petitioners,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-4116  
Index No. 401808/10

-against-

N.Y.S. Division of Housing and Community  
Renewal,  
Respondent.

-----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 October 29, 2010, to review a determination of respondent,

And petitioners having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect the proceeding,

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

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

It is further ordered that the time in which to perfect the proceeding is enlarged 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 October 25, 2011.

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

-----x

In the Matter of the Application of Elizabeth A. Mason, an attorney and counselor-at-law regarding the Stipulated Settlement of Anonymous v High School for Environmental Studies, Inc.,

Petitioner/Respondent-Respondent,

-against-

The City of New York,  
Respondent-Respondent,

-and-

Michael Strohbehn, individually and as a partner of Walters Bender Strohbehn and Vaughan, P.C.,  
Respondent/Petitioner-Appellant.

-----x

An appeal having been taken by respondent/petitioner-appellant Michael Strohbehn, etc. from the order of the Supreme Court, New York County, entered on or about July 5, 2011,

And petitioner/respondent-respondent having moved to strike, dismiss and vacate the notice of appeal filed by respondent/petitioner-appellant, and for other relief,

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

It is ordered that the motion is denied, and the hearing directed by the prior order of this Court, in the above-captioned matter, entered November 30, 2009 (Appeal No. 1407N) is to proceed forthwith if not already conducted.

ENTER:

  
CLERK

**SEALED**

M-4378

Index No. 115352/03

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 October 25, 2011.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x  
Sean Carroll, also known as Sean Carragher,  
Plaintiff,

-against-

1156 APF LLC and APF Properties LLC,  
Defendants-Appellants,

B. Geller Restoration, Inc.,  
Defendant.

M-4464  
Index No. 110725/08

-----  
1156 APF LLC and APF Properties LLC,  
Third-Party Plaintiffs-Appellants,

-against-

Rockledge Scaffolding Corporation,  
Third-Party Defendant-Respondent.

-----  
(And a Second Third-Party Action)  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 9, 2011,

And defendants/third-party plaintiffs-appellants having moved, pursuant to CPLR 5519(a), for a stay of 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 October 25, 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-3040**  
Ind. No. 1793/07

Joseph Sanchez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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

Perry C.,

**M-3768**

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D21078/10

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 July 29, 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, Richard L. Herzfeld, Esq., 61 Broadway, Suite 1900, New York, NY 10006, Telephone No. (212) 818-9019, 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

---

<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:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3407**

Ind. No. 4312/06

Marlon Rodriguez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Bonnie G. Wittner, J.) entered on or about June 20, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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 a Custody/Visitation  
Proceeding under Article 6 of the  
Family Court Act.

- - - - - **M-3777**  
Cecil S., Docket No. V13753/10  
Petitioner-Respondent,

-against-

Dionne S.,  
Respondent-Appellant.  
- - - - -

Anne Reiniger, Esq.,  
Attorney for the Child.  
-----X

Elliot Podhorzer, Esq., Family Court attorney for the subject child, Antonio B., 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 June 2, 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, Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Floor, New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of responding to the appeal on the

child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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 a Proceeding for  
Custody and or Visitation Under  
Article 6 of the Family Court Act.

-----  
Frances M.,  
Petitioner-Appellant,  
-against-  
Docket Nos. V19916/05  
V13194/09  
V18721/09

Jorge M.,  
Respondent-Respondent.  
-----

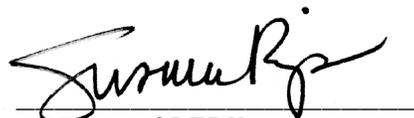
Amy Blitman, Esq.,  
Attorney for the Child.  
-----X

Respondent-respondent father having moved for leave to respond, as a poor person, to the appeal from the orders of the Family Court, Bronx County, entered on or about October 12, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to ascertain respondent's financial resources and monthly expenses.

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 October 25, 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-3258**

Ind. No. 6256/10

Douglas Kevorkian,

Defendant-Appellant.  
-----X

Defendant, pro se, having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Lisa Pelosi, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3592**  
Ind. No. 1521/10

Leibin Rodriguez,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Robert Blossner, Esq., to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3596**

Ind. No. 2686N/10

Floyd Townsend,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Michael Caracta, Esq., to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2011.

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

-----X  
Abuwi M. Waheed,

Plaintiff-Appellant,

**M-2834**

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

Index No. 104615/09

-against-

City of New York, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 29, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect said appeal, and for related relief,

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

It is ordered that, sua sponte, the appeal is dismissed inasmuch as no appeal may be taken from an order denying reargument, and the 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 October 25, 2011.

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

-----X  
Steven Rosenfeld,  
Plaintiff-Respondent,

-against-

M-3637  
Index No. 307401/09

Centurion Properties, Inc.,  
Robert Sardina and Bernard Rabin,  
Defendants-Appellants,

Jackson Avenue Development, LLC,  
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, Bronx County, entered on or about July 7, 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 October 25, 2011.

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

-----X  
New York Community Bank,

Plaintiff-Respondent,

-against-

Parade Place, LLC, et al.,

Defendants-Appellants.  
-----X

**M-3098**

Index Nos. 117348/08  
117349/08  
117350/08

Separate appeals having been taken from 3 orders of the Supreme Court, New York County, all entered on or about May 4, 2010 and May 5, 2010, respectively (under the above-listed Index Numbers),

And defendants-appellants having moved for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect same,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the consolidated appeals. The time in which to perfect said consolidated appeals is enlarged to the February 2012 term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-3485**

Ind. No. 2443/08

Gilbert Cameron, also known as  
Gilbert O. Cameron,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 4, 2010,

And defendant having moved for an order providing him with minutes of all proceedings in Supreme Court, Bronx County, including those of the Grand Jury proceedings,

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 October 25, 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-3301  
Ind. No. 5546/09

Marc Castro, also known as  
Marcelino Castro,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about October 28, 2010,

And defendant-appellant having moved for an order enlarging the record on appeal to include minutes of the proceedings before Hon. Patricia Nunez, Part 42, Supreme Court, New York County, held on March 24, 2010, Court Reporter D. Valerie Cirillo, and held on May 5, 2010, Court Reporter D. Huntington, and to unseal certain transcripts and psychiatric reports with respect to an examination pursuant to CPL § 730,

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

It is ordered that the motion is granted and the Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held on March 24, 2010 and May 5, 2010 set forth above, for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days after the date of entry hereof. The motion to the extent it seeks unsealing of the psychiatric reports is granted insofar as to grant defendant appellant's assigned counsel access to said reports for the purposes of prosecuting the appeal

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 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-

**SEALED**  
**M-3184**

Ind. No. 4974/80

Clifford Jones,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on January 11, 2011, granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 19, 2010 (M-5805),

And defendant having moved for an order enlarging the record on appeal to include certain documents attached as Exhibits E, F and G to the affirmation of Breon S. Peace, Esq. in support of the motion,

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

Ordered that the motion is denied, without prejudice to further proceedings in Supreme Court with respect to the aforesaid relief, if so advised. Sua sponte, the time to perfect the appeal is enlarged to the May 2012 Term, without prejudice to 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 October 25, 2011.

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

-----X  
Brother Jimmy's BBQ, Inc., et al.,  
Plaintiffs-Respondents,

-against-

**M-3543**

**M-3725**

Illinois National Insurance Company, Index No. 105077/09  
Defendant-Appellant,

Lauren Sclafani,  
Defendant-Respondent,

American International Group, Inc.,  
et al.,  
Defendants.

-----X

Defendant, Illinois National Insurance Company, having moved for an order deeming their notice of appeal timely filed from the order of the Supreme Court, New York County, entered on or about May 17, 2011 (M-3543),

And plaintiffs-respondents having cross-moved for an order dismissing the aforesaid appeal (M-3725),

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 defendant's motion (M-3543) is granted and the notice of appeal is deemed timely filed (CPLR 5520[a]). Plaintiffs' cross motion (M-3725) is denied.

ENTER:

  
\_\_\_\_\_  
CLERK