

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 April 17, 2012.

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

-----X
Rosa Canino,
Plaintiff-Appellant,

-against-

M-1257X
Index No. 308781/09

Belynette Millan and Jose Diaz,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 22, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 14, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 17, 2012.

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

-----X
Tim Symington,
Plaintiff-Respondent,

-against-

M-1260X
Index No. 653525/11

Realty Capital Securities, LLC,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 12, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 14, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 17, 2012.

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

-----X
Edwin Delgado,

Plaintiff-Appellant,

-against-

M-1428X
Index No. 403528/10

240 East 46 Condominium c/o Andrea
Bunis Management,

Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 12, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 21, 2012, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 17, 2012.

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

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

-against-

M-1429
Ind. No. 1595/08

Timothy Kitt,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 28, 2009, and from the order of said Court (Moore, J.) entered on or about March 1, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated March 20, 2012, 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 April 17, 2012.

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

-----X
150 Broadway N.Y. Associates, L.P.,
Plaintiff-Appellant,

-against-

James H. Shenwick, Esq.,
Defendant-Respondent,

M-5340
Index No. 601950/09

Richard Shandell, et al.,
Defendants.

-----X

Plaintiff-appellant having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 5, 2011 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion including the correspondence from Avrom R. Vann, Esq., dated November 29, 2011 and due deliberation having been had thereon,

It is ordered that the appeal 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 April 17, 2012.

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

-----X
Harbinger Capital Partners Master
Fund I, Ltd., et al.,
Plaintiffs-Respondents,

-against-

M-1247
Index No. 602529/08

Wachovia Capital Markets, LLC,
doing business as Wachovia
Securities, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 23, 2010 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated March 13, 2012, 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 April 17, 2012.

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

-----X

Michelle Taubman,
Plaintiff-Appellant,

-against-

M-5470
Index No. 110881/10

Advisen Ltd.,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 24, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated November 18, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2012 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 April 17, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
L&S Realty of Massapequa,
Petitioner-Respondent/Cross-
Appellant,

-against-

M-4261
Index No. 570500/10

Elliot Schwartz, John Doe and Jane
Doe,
Respondents-Respondents,

-and-

Lee M. Nigen, Esq.,
Non-Party Appellant.

-----X

Petitioner-respondent/cross-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about August 15, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed January 12, 2012, 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 April 17, 2012.

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

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

-against-

M-1021
Ind. No. 4656/07

Robert Fultz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Moore, J.) entered on or about January 24, 2012, 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 Moore 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 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 April 17, 2012.

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

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

-against-

M-951
Ind. No. 3185/08

Kareem Washington,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 1, 2011(M-4104) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 11, 2011, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Rosabel Oquendo,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent.

M-1105
Index No. 24564/05

-----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 July 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 to the extent of enlarging the time in which to perfect the appeal to the September 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 April 17, 2012.

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

-----X

Vincent Mancusi, et al.,
Plaintiffs,

-against-

CJUF II Hanson LLC,
Defendants,

HSBC Mortgage Construction (USA),
Defendant-Respondent-Appellant,

M-843
M-862
M-1070

J.T. Magen Construction Company Inc.,
Defendant-Respondent-Appellant,

Index No. 403065/06

Chelsea Floor Covering Acquisitions
Corp. and John Knopf Flooring, Inc.,
Defendants-Respondents-Appellants,

FC Hanson Office Associates, Inc.,
Defendant-Appellant.

- - - - -
[And other actions]

-----X

Appeals and a cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 22, 2010 (mot. seq. nos. 005, 006, 007, 008),

And an order of this Court having been entered October 6, 2011 (M-3657/M-3756/M-3792) consolidating the aforesaid appeals and cross appeal and enlarging the time in which to perfect same to the February 2012 Term,

And defendant FC Hanson Office Associates, Inc. having moved for an enlargement of time in which to perfect their appeal (M-843),

And defendant HSBC Mortgage Construction (USA) having moved for an enlargement of time in which to perfect their appeal (M-862),

And defendant J.T. Magen Construction Company Inc. having cross-moved for an enlargement of time in which to perfect their cross appeal (M-1070),

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

It is ordered that the motions and cross motion are granted to the extent of enlarging the time in which to perfect the consolidated appeals and cross appeal to the October 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 April 17, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The Drummers Collective, Inc.,

Plaintiff-Appellant,

-against-

Wasserstein Enterprises, Inc.,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 23, 2012,

And plaintiff-appellant having moved for relief in the nature of a *Yellowstone* injunction,

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 April 17, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Raghda Dabbagh and Ahmed Elfiky,
Plaintiffs-Respondents-Appellants,

-against-

M-1303
Index No. 111463/09

Newmark Knight Frank Global Management Services, LLC, individually and doing business as Newmark Knight Frank Global Management Services and Newmark Knight Frank Global Management Services,
Defendants-Appellants-Respondents,

Roosevelt Field Mall, et al.,
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2011 (mot. seq. no. 002), and the direct appeal having been perfected,

And defendants-appellants-respondents Newmark Knight Frank Global Management Services, LLC, individually and doing business as Newmark Knight Frank Global Management Services and Newmark Knight Frank Global Management Services having moved for a stay of trial pending hearing and determination of the aforesaid appeal and cross 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 April 17, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Hing Duen Ho, Individually and as
Surviving Spouse of Hoo Qam Ho,
Deceased,
Plaintiff-Respondent-Appellant,

-against- M-954
Index No. 104998/10
Greenwich Insurance Company,
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 August 2, 2011,

And plaintiff-respondent-appellant having moved for an enlargement of time in which to perfect their cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the December 2012 Term, with leave to move for 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 April 17, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-231
Ind. No. 5075/87

Felix Concepcion,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 30, 1990 (Appeal No. 41293), unanimously affirming a judgment of the Supreme Court, New York County (Stephen Crane, J.), rendered on or about May 26, 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 April 17, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Willie Collins and Susan Collins,
Plaintiffs-Respondents,

-against-

HMU Lunney Restaurant Corp.,
Defendant-Appellant,

M-1205
Index No. 106219/07

GSE & E of Long Island and GSE & E
Garden State Engine & Equipment Co.,
Inc.,
Defendants-Appellants,

Let There Be Neon, Inc.,
Defendant-Appellant.

-----X
GSE & E of Long Island and GSE & E
Garden State Engine & Equipment Co.,
Inc.,
Third-Party Plaintiffs-Respondents-
Appellants,

Third-Party
Index No. 590057/08

-against-

Interboro Signs and Maintenance,
Third-Party Defendant-Appellant-
Respondent.

-----X
Interboro Signs and Maintenance,
Second Third-Party Plaintiff-
Appellant,

Second
Third-Party
Index No. 590619/08

-against-

Rosol Agency, Inc.,
Second Third-Party Defendant.

-----X

An appeal having been taken by HMU Lunney Restaurant Corp. from the order of the Supreme Court, New York County, entered on or about August 3, 2011 (mot. seq. no. 010), and said appeal having been perfected,

And an appeal and cross appeal having been taken by Interboro Signs and Maintenance, and GSE & E of Long Island and GSE & E Garden State Engine & Equipment Co., Inc. (GSE parties) from the order of the same court entered on or about August 3, 2011 (mot. seq. nos. 008 and 009),

And an appeal having been taken by Let There Be Neon, Inc. from the order of the same court and justice entered on or about September 19, 2011,

And an order of this Court having been entered March 20, 2012 (M-440/M-802), inter alia, enlarging the time of the GSE parties and Let There Be Neon, Inc. to perfect their appeals and cross appeals upon a joint supplemental record to the October 2012 Term and adjourning the perfected HMU Lunney Restaurant appeal to said October 2012 Term, and directing the Clerk to calendar the respective appeals and cross appeals for hearing together in said October 2012 Term,

And Interboro Signs and Maintenance having moved to enlarge the time in which to perfect their respective appeal and respond to the perfected appeal of HMU Lunney Restaurant Corp., and for other relief,

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

Ordered that the motion is granted to the extent of enlarging the time in which to Interboro Signs and Maintenance may perfect its appeal to the October 2012 Term, upon the same terms as previously provided in the aforesaid order of this Court entered March 20, 2012 (M-440/M-802), if so advised. The Clerk is directed to calendar the instant appeal, the aforesaid appeals and cross appeals for hearing together on the same day in the aforesaid October 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 April 17, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
New York Physicians LLP,
Plaintiff-Appellant,

-against-

M-934
Index No. 653134/11

Ironwood Realty Corporation,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 21, 2011,

And plaintiff-appellant having moved to stay enforcement of the aforesaid order 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 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 April 17, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
AREP Fifty-Seventh, LLC,
Petitioner-Respondent,

-against-

M-1251
Index No. 101320/12

PMGP Associates, L.P.,
Respondent-Appellant.

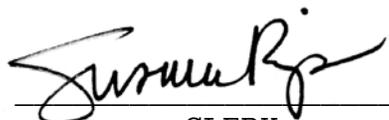
-----X

Respondent-appellant having moved to stay enforcement of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 9, 2012, pending hearing and determination of the appeal taken from,

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 on condition the appeal is perfected for the October 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 April 17, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of
Ghislaine Auguste,
Petitioner,

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

-against-

M-1345

Index No. 113359/11

Matthew M. Wambua, as Commissioner of
the New York City Department of Housing
Preservation and Development, the New
York City Department of Housing
Preservation and Development and
Tower West Associates, LP,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by an order of the Supreme Court, New York County, entered on or about January 26, 2012,

And the aforesaid transfer order from the Supreme Court, New York County, having continued an extant stay of eviction without prejudice to respondent moving to modify or vacate the stay,

And respondent, Tower West Associates, LP, having moved to vacate all stays including said extant stay of eviction imposed by the aforesaid Court, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Star Snacks Co., LLC.,

Plaintiff-Appellant,

-against-

M-5276
Index No. 653109/11

Danny Kadouri,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about November 15, 2011,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Aimée S. Lin, Esq., dated December 14, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-982
Ind. No. 4123/10

Liza Biscette James,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 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, 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-5450A
Ind. No. 3422/09

Ikeem Alexander,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 13, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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. The order of this Court entered on January 26, 2012 (M-5450) 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-1032
Ind. No. 2513/09

Daniel Phillips,

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 January 31, 2012, 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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-903

Ind. Nos. 3228/11

David Dubon,

Defendant-Appellant.

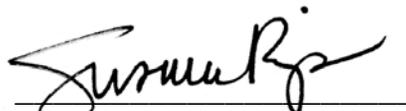
-----X

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 October 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 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-987
Ind. No. 4243/10

Jeffrey Figueroa,

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 January 31, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, 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 retained private counsel for pre-trial and sentencing proceedings, the amount and sources of funds for retained private 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 April 17, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-981
Ind. No. 1708/09

Kenneth R. Bazemore,
Defendant-Appellant.

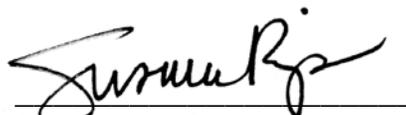
-----X

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 February 7, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, 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, Barry Weinstein, 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1026

Ind. No. 784N/10

Christian Williams,

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 January 24, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, 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 post the \$20,000 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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Nakisha G. Cushnie, et al.,
Plaintiffs-Appellants,

-against-

M-765
Index No. 309380/09

B & H Foto and Electronics Corp.,
et al.,
Defendants-Respondents.

-----X

Plaintiffs-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 April 20, 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 September 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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-740
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 an order of this Court having been entered March 29, 2011 (M-755) granting defendant-appellant leave to prosecute the appeal as a poor person and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant having moved for an order permitting him to proceed pro se on appeal, or in the alternative to file a pro se supplemental brief on appeal,

Now, upon reading and filing the papers with respect to the motion including a letter from the Clerk of this Court dated February 16, 2012 and defendant's response thereto dated March 10, 2012, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as counsel to prosecute the appeal, and continuing the poor person relief previously granted by this Court's order entered March 29, 2011 (M-755),

The Clerk is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief,

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him as been returned to 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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Tatyana Oxman,
Plaintiff-Appellant,

-against-

M-738
Index No. 106110/07

Mountain Lake Camp Resort Inc.,
et al.,
Defendants-Respondents.

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

Plaintiff-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 May 6, 2011 (mot. seq. nos. 006 -008),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Rock J. Walker,
Plaintiff-Appellant,

-against-

M-885
Index No. 113279/07

Scott Foreman, also known as Skot
Foreman,

Defendant-Respondent.

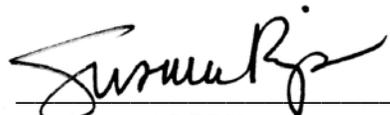
-----X

Plaintiff-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 June 1, 2011 (mot. seq. no. 012),

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 September 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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Eladio Garcia,

Plaintiff-Appellant,

-against-

M-890
Index No. 17167/07

DPA Wallace Avenue I, LLC, et al.,

Defendants-Respondents.

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

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 May 9, 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 September 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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Hua Dong, et al.,
Plaintiffs-Respondents,

-against-

Horse Run Tour, Inc.,
Defendant-Appellant,

M-1139
Index No. 116351/07

-and-

Tony Bus Express Line Inc.
and Liping Hou,
Defendants-Respondents.

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

Defendant/third party-plaintiff Horse Run Tour, Inc. having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 7, 2010 (mot. seq. no. 005),

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 October 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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Mossi & Ghisolfi International S.A.,
et al.,

Plaintiffs-Respondents,

-against-

M-1454

Index No. 650249/11

Rhodia Brasil Ltda., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 14, 2012, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order adjourning the aforesaid appeal,

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

Ordered that the motion is granted and the appeal is adjourned to the September 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 April 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x

In the Matter of

Jobeth O., Odette O., and Abed O.,

Children Under 18 Years of Age
Alleged to be Neglected Pursuant to
Article 10 of the Family Court Act.

- - - - -
Commissioner of the Administration for
Children's Services,
Petitioner-Respondent,

M-949
Docket Nos. NN-5650/12
NN-5652/12
NN-5655/12

Veronica G.,
Respondent-Appellant,

Andres G., also known as Andres O.,
Respondent.

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

-----x

An appeal having been taken to this Court by respondent-appellant mother, Veronica G., from the order of the Family Court, Bronx County, entered on or about February 27, 2012 which, pursuant to Section 1027 of the Family Court Act, remanded the subject children to the Administration for Children's Services,

And an order of a Justice of this Court dated February 28, 2012 having, inter alia, granted an interim stay of the order on certain conditions, as indicated therein,

And respondent-appellant having moved for, inter alia, reversal of the order of the Family Court entered on or about February 27, 2012 and for release of the subject children to respondent-appellant pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of this Court dated February 28, 2012 on the same terms and conditions pending hearing and determination of the appeal without prejudice to further proceedings in Family Court, Bronx County. Respondent-appellant is advised that any application for further relief shall be submitted, by notice of motion.

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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Luis V.,

A Person Alleged to Be a Juvenile
Delinquent,

M-5313

Docket Nos. D-15296/10

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 17, 2010,

And counsel for respondent-appellant having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the motion by counsel for respondent-appellant, Daniel R. Katz, Esq., dated November 21, 2011, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew, upon proof of service on respondent and respondent's parents at their last know address.

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 April 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Magali Perez,

Petitioner-Appellant,

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules,

M-1085

Index No. 402191/11

-against-

New York City Housing Authority,

Respondent-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 23, 2012,

And petitioner having moved for a stay of eviction pending hearing and determination of the aforesaid appeal, for leave to prosecute said appeal as a poor person, 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 stay of eviction is granted on condition the appeal is perfected for the October 2012 Term and on further condition that petitioner continue to tender monthly rent at the current rate to respondent. So much of the motion which seeks leave to prosecute the appeal as a poor person is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the

attorney for respondent and files 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.

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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1072
Ind. No. 519/09

Natasha McCullough,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2011,

And defendant having moved for a continuation of the stay of execution of sentence issued by the order of a Justice of this Court, dated July 19, 2011, 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 stay of execution of sentence previously granted is continued on condition the appeal is perfected on or before July 9, 2012 for the September 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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Abdul Hussain Jaffar Rahmat Allah Al
La Wati, et al.,
Plaintiffs-Respondents-Appellants/
Plaintiffs-Appellants,

-against-

M-717A

Index No. 651489/10

Montague Morgan Slade Ltd., et al.,
Defendants,

Peter Rigby,
Defendant-Appellant-Respondent/
Defendant-Respondent,

JST Lawyers, et al.,
Defendants-Respondents,

-and-

Montague Morgan Slade Unlimited,
et al.,
Nominal Counterclaim Defendants.

-----X

An appeal having been taken by defendant, Peter Rigby, from the order of the Supreme Court, New York County, entered on or about January 25, 2012 (mot. seq. no. 007), and said appeal having been perfected upon a joint record which includes the following appeals:

The cross appeal taken by plaintiffs, Abdul Hussain Jaffar Rahmat Allah Al La Wati, et al., from the aforesaid order of the Supreme Court, entered on or about January 25, 2012 (mot. seq. no. 007), and said appeal having not yet been perfected,

And the appeals taken by plaintiffs from an order of said Supreme Court entered on or about January 25, 2012 (mot. seq. no. 005) and from two orders entered on or about January 26, 2012 (mot. seq. nos. 006, 008), and said appeals having not yet been perfected,

And plaintiffs having moved for consolidation of their appeals and cross appeal with the appeal taken by defendant, Peter Rigby,

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

It is ordered that the motion is granted to the extent of consolidating defendant's perfected appeal with plaintiffs' appeals and cross appeal. The parties are directed to abide by the filing deadlines for said September 2012 Term. (The order of this Court entered on April 5, 2012 [M-717] is hereby recalled and vacated.) (See M-1084, 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 April 17, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Abdul Hussain Jaffar Rahmat Allah Al

La Wati, et al.,
Plaintiffs-Respondents-Appellants/
Plaintiffs-Appellants,

-against-

Montague Morgan Slade Ltd., et al.,
Defendants,

Peter Rigby,
Defendant-Appellant-Respondent/
Defendant-Respondent,

M-1034
Index No. 651489/10

JST Lawyers, et al.,
Defendants-Respondents,

-and-

Montague Morgan Slade Unlimited,
et al.,
Nominal Counterclaim Defendants.

-----X

An appeal having been taken by defendant, Peter Rigby, from the order of the Supreme Court, New York County, entered on or about January 25, 2012 (mot. seq. no. 007), and said appeal having been perfected,

And plaintiffs, Abdul Hussain Jaffar Rahmat Allah Al La Wati, et al., having taken a cross appeal from the aforesaid order of the Supreme Court, entered on or about January 25, 2012 (mot. seq. no. 007), and said cross appeal having not yet been perfected,

And plaintiffs having also taken appeals from an order of said Supreme Court entered on or about January 25, 2012 (mot. seq. no. 005) and from two orders entered on or about January 26, 2012 (mot. seq. nos. 006, 008), and said appeals having not yet been perfected,

And an order of this Court having been entered on April 17, 2012 (M-717A), inter alia, adjourning defendant's perfected appeal and consolidating same with plaintiffs' appeals and cross appeal for the September 2012 Term,

And defendant Peter Rigby having moved for a stay of all proceedings pertaining to him 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 to the extent of staying all proceedings only with respect to movant Peter Rigby pending in New York County under Index No. 651489/10. (See M-717A, 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 April 17, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
NDL Associates, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-1163
Index No. 303790/11

Villanova Heights, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 8, 2012, which, inter alia, directed vacatur of a certain mechanic's lien,

And plaintiffs-appellants having moved to stay enforcement of the aforesaid order pending hearing and determination of 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 staying enforcement of the aforesaid order appealed on condition the appeal is perfected for the September 2012 Term, motion 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 April 17, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Michael Kupfer,
Plaintiff-Appellant,

-against-

M-1066
Index No. 100075/10

Samuel Kupfer, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 23, 2012 (mot. seq. no. 003),

And plaintiff-appellant having moved to stay enforcement of the aforesaid order 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 on condition that (1) the appeal is perfected for the September 2012 Term, and (2) upon further condition that, within 30 days of the date of entry hereof, plaintiff pays all arrears in maintenance and related fees as use and occupancy and continues to pay same as said expenses come due pending hearing and determination of the appeal. Upon failure to meet either condition, an order vacating the stay may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant 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 April 17, 2012.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

Sheldon H. Solow,
Defendant-Appellant.

M-955
M-1203
Index No. 603697/08

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal Nos. 6181-6185) [M-955],

And plaintiff-respondent having cross-moved for an order requiring defendant-appellant to file an amendment to the existing undertaking, and related relief in the event the leave is granted (M-1203),

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 for leave to appeal to the Court of Appeals is denied (M-955), and the cross motion is denied accordingly (1203).

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 April 17, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-1196
Ind. No. 1360/09

Kakhaber Gogoladze,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 15, 2010,

And assigned counsel, Robert S. Dean, Esq., having moved on defendant's behalf for a hearing to reconstruct the sentencing proceedings held in Supreme Court, New York County, on March 15, 2010, and for an enlargement of time in which to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties "so ordered" March 9, 2012, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn, the aforesaid relief having been granted by an order of this Court entered on March 15, 2011 (M-611).

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 April 17, 2012.

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

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

-against- M-827
Ind. No. 929/01

Ramell Lankford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 10, 2012, **denying resentence**, 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 granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 April 17, 2012.

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

-----X
In the Matter of the Application of
Anthony Vosilla,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-965
Index No. 113963/10

The Waterfront Commission of New York
Harbor, et al.,
Respondents-Respondents.
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 7, 2011 (mot. seq. no. 003), to review a determination of respondent,

And petitioner-appellant having moved for an enlargement of time in which to perfect said 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 September 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 April 17, 2012.

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

-----X
In the Matter of the Application of
The City of New York, et al.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1001
Index No. 400177/10

The Board of Collective Bargaining
of the City of New York, et al.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 4, 2010 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 April 17, 2012.

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

-----x

Resat Keles,
Plaintiff-Appellant, M-931

-against- Index No. 116143/09

Avi Galil, et al.,
Defendants-Respondents.
- - - - -

Resat Keles,
Plaintiff-Appellant,

-against- Index No. 116468/09

Alan Brinkley, et al.,
Defendants-Respondents.
- - - - -

Resat Keles,
Plaintiff-Appellant,

-against- Index No. 116752/09

Lee Bollinger, et al.,
Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiff from the orders of the Supreme Court, New York County, entered on or about January 13, 2012,

And defendants-respondents in each of the above-captioned actions having jointly moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing appellant to prosecute and defendants to respond to the consolidated appeals upon 8 copies of one record and one set of appellant's, respondents' and reply points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged to the January 2013 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 April 17, 2012.

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

-----X

AMP Services Limited as Trustee of the Walter and Anna Bonner Trust, as assignee of the Estate of Harry Joseph, deceased and as assignee of Peter Bonner, Monica Bonner Kranepool, Robert Bonner and Karin Bonner,

M-1124
Index No. 106462/04

Plaintiffs-Respondents/
Plaintiffs-Respondent-Appellants,

-against-

Walanpatrias Foundation, also known as Doraw and Walanpatrias Stiftung,

Defendant-Appellant/
Plaintiff-Appellant-Respondent.

-----X

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 14, 2011 (mot. seq. nos. 008, 011) and January 18, 2012, respectively; and a cross appeal having been taken from the order entered on or about January 18, 2012,

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

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

It is ordered that the motion is granted to the extent of consolidating the aforesaid appeals and cross appeal, permitting the appeals and cross appeal to be prosecuted upon 8 copies of one record and one set of appellant's points covering the appeals and cross appeal, and enlarging the time in which to perfect the consolidated appeals and cross appeal to the September 2012 Term. The parties' attention is directed to 22 NYCRR 600.11.

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,
Respondent,

M-1047
Ind. No. 2923/08

-against-

CERTIFICATE
GRANTING LEAVE

Mark Jurgins,
Defendant-Appellant.

-----X

I, Rolando T. Acosta, 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, Bronx County, entered on or about January 27, 2012.¹

Dated: April 2, 2012
New York, New York



Entered: April 17, 2012

Hon. Rolando T. Acosta
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 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.

¹Defendant's existing direct appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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,
-against-

Alberto Polanco

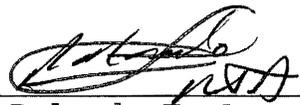
Defendant.

M-922
Ind. No. 5431N/03

ORDER DENYING LEAVE
UPON REARGUMENT

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-2613), entered on August 11, 2011, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about February 16, 2011 is hereby denied.



Hon. Rolando T. Acosta
Justice of the Appellate Division

Dated: March 23, 2012
New York, New York

ENTERED: April 17, 2012

PM ORDERS
ENTERED ON
APRIL 17, 2012

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 April 17, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----x

Galit Schloss,
Plaintiff-Appellant,

-against-

M-916

Index No. 104865/09

Karen Steinberg,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 21, 2011, and said appeal having been perfected,

And defendant-respondent having moved for leave to strike the brief and the record on appeal or, in the alternative, for an enlargement of time in which to file a respondent's brief,

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 adjourning the appeal to the September 2012 Term and otherwise denied, without prejudice to respondent's arguments on 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 April 17, 2012.

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

-----x
Zurich American Insurance Company,
et al.,
Plaintiffs-Appellants,

-against-

Sony Corporation of America, et al.,
Defendants-Respondents,

M-1441
Index No. 651982/11

Mitsui Sumitomo Insurance Company of
America, et al.,
Defendants,

-and-

Ace American Insurance Company,
Defendant-Appellant.

-----x

Separate appeals having been taken by the above named appellants from the order of the Supreme Court, New York County, entered on or about November 10, 2011 (so ordered transcript, short form order entered November 3, 2011), respectively, and said appeal having been perfected upon a joint record,

And defendants-respondents Sony Corporation of America, et al. having moved for this Court to take judicial notice of, and for an order permitting them to submit, a certain order in a related matter held in the United States District Court for the Southern District of California dated February 16, 2012,

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

It is ordered that the motion is granted to the extent of permitting movants to submit the aforesaid order, which appears as Exhibit A. to the moving papers as an exhibit in connection with the aforesaid appeals. Movants are directed to file nine copies of said material appearing as Exhibit A. to the moving papers with this Court forthwith.

ENTER:


CLERK