

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 26, 2012.

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

-----X
Facunda Knight,
Plaintiff-Respondent,

-against-

M-1582X
Index No. 307629/08

Triboro Services, Inc., et al.,
Defendants,

-and-

Castle Auto Corp., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 30, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2012.

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

-----X
Days Impex Limited,
Petitioner-Appellant,

-against-

M-1588X
Index No. 650532/09

Solomon Blum Heymann & Stitch, LLP,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 31, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 29, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2012.

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

-----X
TD Bank, N.A., formerly known as
TD Banknorth, N.A., Successor by
merger to Hudson United Bank,
Plaintiff-Respondent,

-against-

M-1589X
Index No. 109215/10

Michael Jones, et al.,
Defendants,

Martin Gottlieb,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 27, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 29, 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 26, 2012.

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

-----X
Daniel J. Savillo,
Plaintiff-Respondent,

-against-

M-1591X
Index No. 114418/07

Greenpoint Landing Associates, L.L.C.,
Defendant-Appellant,

Greenpoint Storage Terminal, L.L.C.,
Defendant.

-----X
Greenpoint Landing Associates, L.L.C.,
Third-Party Plaintiff-Appellant,

Greenpoint Storage Terminal, L.L.C.,
Third-Party Plaintiff-Respondent,

-against-

Index No. 590014/08

All Safe Heights Contracting, Corp.,
Third-Party Defendant-Appellant.

-----X

Third-party plaintiff-appellant Greenpoint Landing Associates, L.L.C. having taken an appeal from the order of the Supreme Court, New York County, entered on or about June 13, 2011 (mot. seq. no. 007),

And third-party defendant-appellant All Safe Heights Contracting, Corp. having taken appeals from the order of said Court entered on or about September 19, 2011 (mot. seq. no. 009), and from the order and judgment (one paper) of said Court entered as a judgment on or about December 30, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 28, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

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

-----X
Michael Gatti,

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.
-----X

M-1600
Index No. 101335/10

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 29, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 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 26, 2012.

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

-----x
Vidalia Diaz-Mazariegos, et al.,
Plaintiffs-Appellants,

-against-

M-1520
Index No. 800275/11

New York City Health and Hospitals
Corporation, 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 February 17, 2012, and said appeal having been perfected,

And an order of a Justice of this Court dated March 28, 2012 having granted, upon stipulation of the parties, their application to have the appeal heard during the June 2012 Term on condition defendants-respondents file their respondent's brief on or before May 3, 2012, and on further condition that plaintiff-appellant will not file a reply brief,

And plaintiffs-appellants having moved, by notice of motion, for expedited hearing 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 confirming the relief granted by a Justice of this Court dated March 28, 2012, with leave to renew the request for expedited determination of the appeal upon hearing of the appeal, and 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 26, 2012.

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

-----X
The Guardian Life Insurance Company of
America and Park Avenue Securities LLC,
Plaintiffs-Respondents-Appellants,

-against-

M-1269
Index No. 113709/10

Mitchell Brill, et al.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 6, 2011,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect their appeal from the aforesaid order,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the November 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 26, 2012.

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

-----X
Algi Crawford,
Plaintiff-Respondent,

-against-

M-1485
Index No. 114790/09

New York City, et al.,
Defendants-Appellants.
-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 24, 2011 and June 28, 2011 (mot. seq. no. 004), respectively,

And defendants-appellants having moved for an enlargement of time in which to perfect the 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 sua sponte consolidating the aforesaid appeals, and permitting defendants-appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged 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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

VOOM HD Holdings, LLC,
Plaintiff-Respondent,

-against-

EchoStar Satellite L.L.C.,
Defendant-Appellant.

-----X

M-576
M-669
Index No. 600292/08

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 31, 2012 [Appeal No. 5121N] (M-576),

And Lawyers for Civil Justice having cross-moved for leave to file as amicus curiae a memorandum of law in support of plaintiff-respondent's motion for leave to appeal to the Court of Appeals (M-669),

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 (M-576), and the cross motion (M-669) is denied accordingly.

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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Joan Ochei,
Claimant-Appellant,

-against-

M-1114
Court of Claims No. 78152

The State of New York, County and
City of New York,
Defendants-Respondents.

-----X

An order of this Court having been entered on January 31, 2012 (M-5467), denying claimant-appellant's motion for an enlargement of time in which to perfect the appeal from the order of the Court of Claims, State of New York, entered on or about August 26, 2010,

And claimant-appellant having moved for reargument of the aforesaid motion decided by the order of this Court entered January 31, 2012 (M-5467),

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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
CARI, LLC,

Plaintiff-Appellant,

-against-

M-817
Index No. 650690/10

415 Greenwich Fee Owner, LLC, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on January 31, 2012 (Appeal Nos. 6662-6662A),

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 26, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Mathias Berenger, et al.,
Plaintiffs-Respondents,

-against-

261 West LLC, et al.,
Defendants-Appellants,

BH 261 Manager LLC, et al.,
Defendants.

M-734
Index No. 110744/09

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 2, 2012 (Appeal Nos. 5117/5117A/5117B),

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 26, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Geoffrey Gelman,
Plaintiff-Appellant,

-against-

M-561

Index No. 101535/09

Antonio Buehler,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 3, 2012 (Appeal No. 5483),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified in part and otherwise affirmed the order of the Supreme Court, properly made?"

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz, Justices.

-----X
Maria Gonzales and Alvaro Gonzales
and other Tenants of 235 West 146th
Street,
Petitioners-Tenants-Respondents,

-against-

M-392

Index No. 570261/07

Ihay Zinner and LKH Assets, LLC,
Respondents-Predecessor Landlords,

Washington Mutual Bank,
Respondent-Lienor,

Department of Housing Preservation
and Development of the City of
New York,
Respondent-Respondent,

-and-

Esquire Group Estates, LLC and Chase
Group Alliance, LLC and Vintage Ventures,
LLC,
Respondents-Intervenors-Appellants.

-----X

Respondents-intervenors-appellants 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 23, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of 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 26, 2012.

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

-----X
In the Matter of the Application of
Wanda Candelaria,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1053
of the Civil Practice Law and Rules, Index No. 401188/11

-against-

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

Respondent-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 18, 2011, pursuant to CPLR 5513(a),

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

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

-----X
In the Matter of

Jobeth O.,
Odette O., and
Obed O.,

M-1106
Docket No. NN5650/12
NN5652/12
NN5655/12

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

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

Veronica G.,
Respondent-Appellant.

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

-----X
An appeal having been taken by respondent-appellant mother Veronica G. from an order of the Family Court, Bronx County, entered on or about February 27, 2012,

And counsel for respondent father Andres G. having filed an affirmation in support of appellant mother's notice of appeal, in the form of a motion,

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

Ordered that the "motion" is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

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

-----X

Velda Clarke,
Petitioner,

-against-

M-1112
Index No. 117611/09

New York State Office of
Children and Family Services,
Respondent.

-----X

Petitioner having moved for reargument of the decision and order of this Court entered on January 12, 2012 (Appeal No. 6541),

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 26, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
James M. Hazen,
Petitioner/Respondent,

-against-

M-571

Index No. 104781/10

Hill Betts & Nash, LLP,
Respondent/Petitioner,

New York State Division of Human
Rights,
Respondent.

-----X

Petitioner/respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 5, 2012 (Appeal No. 5517),

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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Cadim Stonehenge LLC,
Petitioner-Landlord-Respondent,

-against-

M-345

Index No. 570002/11

Kamini Kanhai,
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-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 January 12, 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 denied, and the interim relief granted by a Justice of this Court on January 30, 2012 is vacated accordingly.

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 26, 2012.

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

-----X
In the Matter of the Application of
Dwight Blair,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1578
Index No. 260724/09

Concourse Village, Inc.,
Respondent-Appellant,

New York State Department of Housing
and Community Renewal,
Respondent.

-----X

An appeal having been taken to this Court by the above-named respondent Concourse Village, Inc. from the order of the Supreme Court, Bronx County, entered on or about November 21, 2011, and said appeal having been perfected,

And the New York State Department of Housing and Community Renewal having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal, and for leave to participate in oral argument,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae brief submitted with the moving papers herein as filed. The motion, to the extent it seeks leave to participate in oral argument, is referred to the Clerk of the 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 26, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1498
Ind. No. 4512/02

Steven Darbasie,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 25, 2011 (M-3065), inter alia, granting defendant an extension of time to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And defendant having moved for a further extension of time in which to file the pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 9, 2012 for the September 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 26, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

Park Towers South Company, LLC,

Plaintiff-Appellant,

-against-

M-1516

Index No. 117080/05

57 W. Operating Co., Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2011 (mot. seq. no. 010), and said appeal having been perfected,

And plaintiff-appellant having moved 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 April 26, 2012.

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

-----X
Mark A. Lindkvist, et al.,
Petitioners-Appellants,

-against-

M-1140
Index No. 113590/10

Honest Ballot Association, et al.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 13, 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 and sua sponte, the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

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

-----X
Yubel Cabrera and Yosbierry DeJesus,
Plaintiffs-Appellants,

-against-

M-969
Index No. 302924/07

Charice M. Daye, also known as
Carice M. Hawkins, 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 February 3, 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 26, 2012.

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

-----X
Robert Ziglin, et al.,

Plaintiffs-Appellants,

-against-

Donald Hommel,

Defendant-Respondent.
-----X

M-1110
Index No. 108578/09

Plaintiffs-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 February 7, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted 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 26, 2012.

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

-----X
Catherine M. Conrad,
Plaintiff-Appellant,

-against-

M-1052
Index No. 27056/03

Stamatios Manassis, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 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 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 26, 2012.

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

-----X

Victor Perez,
Plaintiff-Respondent,

-against-

M-1273
Index No. 102524/07

Pedro A. Vasquez and Frank Livery
Service, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 14, 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 on or before July 9, 2012 for the September 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 April 26, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

Gurumurthy Kalyanaram,
Petitioner-Appellant,

-against-

M-815
Index No. 115829/09

New York Institute of Technology,
Respondent-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 19, 2012 (Appeal No. 6594N),

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 26, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Lenders Capital LLC,
Plaintiff-Respondent,

-against-

M-1418
Index No. 380425/08

Ranu Realty Corp., Azizur Rahman,
New York State Department of
Taxation & Finance, City of New York,
Jane Doe and John Doe 1 through 9,
Defendants-Respondents,

Viktoriya Zavelina,
Intervenor-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 6, 2011,

And an order of this Court having been entered on August 11, 2011 (M-2733), granting intervenor-appellant a stay pending hearing and determination of the aforesaid appeal,

And an order of this Court having been entered March 6, 2012 (M-550) vacating the aforesaid stay granted by the order of this Court entered August 11, 2011 (M-2733),

And defendants-respondents Ranu Realty Corp. and Azizur Rahman having moved for leave to participate in the appeal *in forma pauperis* and for other relief in the nature of a stay,

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

It is ordered that the motion is denied in its entirety.

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 26, 2012.

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

-----X
Jerry Cruz,
Plaintiff-Appellant,

-against-

M-1051
Index No. 303675/07

Leonardo E. Garcia and Lopez Roberto
Garcia,
Defendants-Respondents.

-----X

Consolidated appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about October 8, 2010 and March 9, 2011, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated February 29, 2012, and due deliberation having been had thereon,

It is ordered that the aforesaid consolidated appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

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

-----X
Oscar Valle,

Plaintiff-Appellant,

-against-

M-1393
Index No. 402279/11

Anil C. Singh, 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 December 21, 2011, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 26, 2012.

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

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

Respondent,

-against-

Lamar Sanchez,

Defendant-Appellant.

M-935
Ind. No. 10663/95

-----X

A decision and order of this Court having been entered on January 25, 2000 (Appeal No. 7), unanimously affirming a judgment of the Supreme Court, New York County (Herbert Altman, J.), rendered on November 26, 1997,

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 26, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Kenneth Bennett,

Plaintiff-Appellant,

-against-

Health Management Systems, Inc.,

Defendant-Respondent.
-----X

M-292
Index No. 115015/08

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 20, 2011 (Appeal No. 5031),

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 26, 2012.

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

-----X
David Mitchell,
Plaintiff-Respondent,

-against-

M-23
Index No. 110403/08

Steven Abrams,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2011 (Appeal Nos. 5549/5550/5550A),

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 26, 2012.

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

-----X

Expedia, Inc., et al.,
Plaintiffs-Appellants,

M-5852
Index No. 650761/09

Priceline.com Incorporated, et al.,
Plaintiffs,

-against-

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

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2011 (Appeal No. 6174),

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 26, 2012.

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

-----x
Cedarwoods CRE CDO II, Ltd., et al.,
Plaintiffs-Appellants,

-against-

M-1291
Index No. 653624/11

Galante Holdings, Inc., et al.,
Defendants-Respondents.
-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 4, 2012, and said appeal having been perfected,

And an order of this Court having been entered on February 14, 2012 (M-44), inter alia, continuing, pending hearing and determination of the aforesaid appeal, the interim relief and provisions granted by an order of a Justice of this Court dated January 5, 2012 which, inter alia, modified an extant temporary restraining order of Supreme Court, New York County, entered on or about December 28, 2011, upon the condition that plaintiffs perfect their appeal for the June 2012 Term, as indicated,

And defendant-respondent Trimont Real Estate Advisors having moved for modification of the aforesaid extant temporary restraining order (as modified) to vacate ¶2C on page 3 of said temporary restraining order of the Supreme Court, New York County, entered on or about December 28, 2011, 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 modifying ¶2C of the aforesaid temporary restraining order entered on or about December 28, 2011 to include the following language:

"...except that Aberdeen may act in such a role to the limited extent of approving, in consultation with Trimont, actions by the borrower intended to stabilize the collateral and/or cure the default, including a negotiated re-structuring of the loan, insofar as it protects the interests of the investors, or a short-term forbearance agreement, and, if Trimont, in consultation with Aberdeen concludes that it is advisable with respect to the goals stated above, to authorize changes in the management of the property."

The motion is otherwise denied.

ENTER:



CLERK

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

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

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

M-322
Ind. No. 4868/92

-against-

CERTIFICATE
DENYING LEAVE

Myron Dukes, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 21, 2011, is hereby denied.

Dated: New York, New York
April 3, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED APR 26 2012

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

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

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

M-1587
Ind. No. 3541/88

-against-

CERTIFICATE
DENYING LEAVE

Jesse Shannon, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about July 25, 2011, is hereby denied.

Dated: New York, New York
April 12, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED APR 26 2012

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

Plaintiff,

M-914A
Index No. 1873/06

-against-

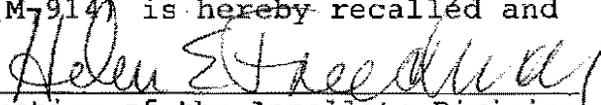
Malik Howard,

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals. The order of this Court entered March 29, 2012 (M-914A) is hereby recalled and vacated.


Justice of the Appellate Division

Dated: March 12, 2012
New York, New York

ENTERED: **APR 26 2012**

*Description of Order:

Supreme Court, Bronx County, entered on September 27, 2011.
App. Div., First Dept., Appeal No. 5749, Affd on January 12, 2012.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Helen E. Freedman
Associate Justice of the Appellate Division

-----X
In the Matter of JUANITA WILLIAMS,

Petitioner,

-against-

M-1242
Index No. 402485/11

JOHN B. RHEA, as Chairman of the New
York City Housing Authority,

Respondent.
-----X

Respondent having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about January 23, 2012, and for a stay of the aforesaid order pending 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.



Helen E. Freedman
Associate Justice

Dated: April 11, 2012
New York, New York

Entered: **APR 26 2012**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M-1541
Ind. No. 477/04

-against-

CERTIFICATE
DENYING LEAVE

Nathaniel Jones,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 440.10 and 440.20, upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, pursuant to the above cited provision, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 15, 2007 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: April 11, 2012
New York, New York

ENTERED: **APR 26 2012**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M 1235
Ind. No. 72/97

-against-

CERTIFICATE
DENYING LEAVE

Alejandro Perez a/k/a Daniel Pizarro,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about June 17, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: March 30, 2012
New York, New York

ENTERED: **APR 26 2012**

PM ORDERS
ENTERED ON
APRIL 26, 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 26, 2012.

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

-----X
Riccardo Squicciarini,
Plaintiff-Respondent,

-against-

M-1317
Index No. 114338/11

Diana Oreiro,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about March 16, 2012, 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 granted on condition that the appeal is perfected on or before July 9, 2012 for the September 2012 Term. Upon failure to so perfect plaintiff-respondent may move on notice to vacate the aforesaid stay.

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 26, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Franca Ferrari,
Plaintiff-Respondent,

-against-

M-1510
Index No. 117115/09

Iona College, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 4, 2011, and said appeal having been perfected and heard,

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 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Jeffrey Mariash and Claire Mariash,
Plaintiffs-Respondents,

-against-

M-1636
Index No. 102318/10

1230 Brook Avenue Corporation,
Defendant-Appellant.

-----X

Plaintiffs-respondents having moved for an extension of time in which to file their respondent's brief in connection with the appeal taken from the order of the Supreme Court, New York County, entered on or about February 8, 2012 (mot. seq. no. 002), and said appeal having been perfected,

And an order by a Justice of this Court dated April 5, 2012 having set an expedited briefing schedule and keeping the aforesaid appeal on the June 2012 Term calendar of this Court,

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

It is ordered that the motion is granted to the extent of maintaining the appeal on the June 2012 Term with the same deadlines as granted by the aforesaid order of a Justice of this Court dated April 5, 2012. The Clerk is directed to calendar the appeal during the fourth week of the June 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Evan Tawil,

Plaintiff-Appellant,

-against-

M-1681

Index No. 312293/10

Vanessa Tawil,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 6, 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 April 26, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
James Polsky,
Plaintiff-Respondent,

-against-

M-1703
Index No. 107108/11

145 Hudson Street Associates L.P.,
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 1, 2012 (mot. seq. no. 004),

And defendants-appellants having moved for a stay of discovery addressed in the aforesaid 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 granted on condition the appeal is perfected for the September 2012 Term.

ENTER:



CLERK