

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 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-5118
Ind. No. 4765/10

Edwin Rivera,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 8, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated October 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 6, 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-5114
Ind. No. 998/07

Jose Cruz,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated October 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 6, 2012.

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

-----X

Joseph Boorman,
Plaintiff,

-against-

The City of New York,
Defendant,

-and-

M-5191
Index No. 108928/03

The New York City Transit Authority,
Defendant-Appellant,

-and-

Tishman Construction Corporation
of New York, et al.,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated November 5, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

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

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

Respondent,

-against-

M-5071
Ind. No. 1221/10

Marvin McDowell,

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 October 3, 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

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 6, 2012.

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

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

-against-

M-5087
Ind. No. 3507/01

Jason Walker,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about August 2, 2012, 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, 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 **resentence**. 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

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

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

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

-against-

M-3998
Ind. No. 3209/11

Ceferino Perez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 29, 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 deeming the moving papers a timely filed notice of 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 December 6, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X

Betty Luna,

Plaintiff-Appellant,

-against-

M-4755

Index No. 300764/09

New York City Transit Authority,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 18, 2012,

And plaintiff-appellant having moved to stay all proceedings 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Nelson S. Román
Darcel D. Clark, Justices.

-----X
Thomas Warkenthien,
Plaintiff,

-against-

M-5281
Index No. 18536/06

ALPS Mechanical, Inc.,
Defendant-Appellant.

-----X
ALPS Mechanical, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 83786/08

A.S.A.R. International Corp.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 13, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed November 8, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 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 December 6, 2012,

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

JMC Northeast Corporation,
Plaintiff-Respondent,

-against-

Oscar Porcelli, et al.,
Defendants-Appellants.

-----X

M-4648

M-4833

Index No. 651166/10

Defendants-appellants having taken an appeal from the order of the Supreme Court, New York County, entered on or about November 9, 2011 (mot. seq. no. 006), and having purported to appeal from the so-ordered transcript entered on or about October 28, 2011; and an appeal having also been taken by defendants-appellants from the order of said Court entered on or about June 1, 2012 (mot. seq. no. 007),

And plaintiff-respondent having moved for an order dismissing the aforesaid appeal from the order entered on or about November 9, 2011 and the purported appeal (M-4648),

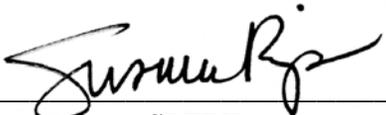
And defendants-appellants having cross-moved for an order enlarging the time to perfect the appeal taken from the orders entered on November 9, 2011 and the purported appeal taken from the order entered on or about October 28, 2011 (M-4833),

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 plaintiff-respondent's motion to dismiss defendants' appeal from the order entered on November 9, 2011 is granted unless said appeal is perfected on or before

January 28, 2013 for the April 2013 Term. Defendants-appellants' cross motion is granted to the extent of enlarging the time to perfect the appeal taken from the order entered on or about November 9, 2011 to the April 2013 Term. Sua sponte, the appeals taken from the orders entered on November 9, 2011 and June 1, 2012 are consolidated and defendants-appellants are directed to perfect said consolidated appeals on or before January 28, 2013 for said April 2013 Term. The purported appeal taken from the so-ordered transcript entered on October 28, 2011 is dismissed, as taken from a non-appealable order, without prejudice to the appeal taken from the order entered on November 9, 2011. Upon defendants-appellants' failure to so perfect the consolidated appeals, an order dismissing said consolidated appeals may be entered ex parte, provided plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Marcelina Taveras,
Plaintiff-Appellant,

-against-

M-3923
Index No. 18109/07

Edison Bravo, Ernesto Taveras
and Olga Taveras,
Defendants-Respondent.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 25, 2011, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

Rubin Schron, et al.,

Plaintiffs-Respondents,

-against-

M-4797

Index No. 650702/10

Leonard Grunstein, et al.,

Defendants-Appellants.

-----X

An appeal having been taken by defendants from an order of the Supreme Court, New York County, entered on or about September 6, 2012 (mot. seq no. 014),

And defendants-appellants having moved for a stay of 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 December 6, 2012.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----x
Breaa LLC,

Plaintiff-Respondent,

-against-

Stephen Passarelli,

Defendant-Appellant.
-----x

M-4945
Index No. 651118/12

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about September 17, 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 on condition defendant perfects the appeal on or before January 28, 2013 for the April 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 December 6, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
25 Avenue C New Realty, LLC, et al.,
Plaintiffs,

-against-

M-3224

Index No. 304108/09

Alea North America Insurance Company,
Defendant-Respondent,

Merrimack Mutual Fire Insurance
Company,
Defendant-Appellant.

-----X

Plaintiffs having moved for, inter alia, modification and resettlement of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 12, 2012 (Appeal No. 6776),

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, inter alia, modification and resettlement of the aforesaid decision and order of this Court, 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 the order of 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 December 6, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
In the Matter of the Arbitration
Between

National Union Fire Insurance
Company of Pittsburgh, PA, on
Behalf of Itself and all its
Affiliates,
Petitioner-Respondent,

M-5105
Index No. 652351/12

-against-

Chukchansi Economic Development
Authority,
Respondent,

Cascade Entertainment Group, Inc.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 19, 2012,

And respondent-appellant having moved to stay enforcement of 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 respondent-appellant perfects the appeal on or before January 28, 2013 for the April 2013 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X

In the Matter of

Tyquan C.,

M-5125

Docket No. D42099/12

A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about October 26, 2012,

And respondent-appellant having moved for a stay of so much of the aforesaid order disqualifying The Legal Aid Society as counsel for respondent,

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 only so much of the aforesaid order as disqualified the Legal Aid Society from representing respondent-appellant at the ongoing trial in Family Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X

Neil Selkirk,
Plaintiff-Appellant,

-against-

M-5216
Index No. 312975/11

Susan Spiller Selkirk,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 7, 2012,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated November 13, 2012, and due deliberation having been had thereon,

It is 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 December 6, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
The People of the State of New York
ex rel. Lance Stewartson,
Petitioner,

-against-

M-4848

Warden, etc.,
Respondent(s).

-----X

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

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

It is ordered that the application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

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

-----X
Andrew Beck, III,
Plaintiff-Appellant,

-against-

M-4850
Index No. 108995/09

Studio Kenji, Ltd., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect his appeal from the order of the Supreme Court, New York County, entered on or about December 27, 2011 (mot. seq. no. 010),

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 to perfect the appeal to the May 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 December 6, 2012.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
Davis & Gilbert LLP,

Plaintiff-Respondent,

-against-

Francis X. Morrissey,

Defendant-Appellant.
-----x

M-4463
Index No. 650226/12

Defendant-appellant 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 August 24, 2012, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
Mary L. Ho, Executor of the Estate of
Hing Duen Ho,
Plaintiff-Appellant-Respondent,

-against-

M-4564

M-4937

Index No. 104998/10

Greenwich Insurance Company,
Defendant-Respondent-Appellant.

-----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 defendant-respondent-appellant having moved, by separate motions, for leave to strike plaintiff's direct appeal and for an enlargement of time to perfect the 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 motions are granted only to the extent of adjourning the direct appeal to the March 2013 Term, and the motions are 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 December 6, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
Rosemarie R. McCloy,
Plaintiff-Appellant,

-against-

M-4679
Index No. 110596/11

The Long Island Railroad Company,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant 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 November 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 to perfect the appeal to the April 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 December 6, 2012.

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

-----X
In the Matter of the Application of
The Patrolmen's Benevolent Association
of the City of New York, et al.,
Petitioners-Respondents,

-against-

M-4949
Index No. 113039/11

The City of New York, The New York
City Police Department and Raymond
W. Kelly, in the official capacity
of the Commissioner of the New York
City Police Department,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect their appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 30, 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 to perfect the appeal to the April 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 December 6, 2012.

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

-----X
John Rigolini and Maureen Rigolini,
Plaintiffs-Appellants,

-against-

The City of New York,
Defendant-Respondent,

Consolidated Edison, et al.,
Defendants.
(And other actions)

M-4961
Index No. 122049/03

-----X
Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from order of the Supreme Court, New York County, entered on or about January 9, 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 enlarging the time to perfect the appeal to the May 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 December 6, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
The People of the State of New York,
ex rel. David Segal, on behalf of
Luis Damian Jacas,
Petitioner-Appellant,

-against-

M-4011
Index #114505/11

Warden, George Motchan Detention Center,
East Elmhurst, New York,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an order releasing him on his own recognizance, or, in the alternative setting his bail to a certain sum, pending hearing and determination of his appeal from a judgment of the Supreme Court, New York County, entered on or about December 29, 2011, which denied petitioner's petition for writ of habeas corpus,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 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
Subway Surface Supervisors Association,
Petitioner-Respondent,

For an Order Pursuant to Article 78
of the CPLR,

M-4745
Index No. 105285/09

-against-

New York City Transit Authority,
Respondent-Appellant.
-----x

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

And respondent-appellant having moved post argument to submit a recent decision from the United States District Court, Southern District of New York captioned; *MTA Bus Non-Union Employees Rank and File Comm. v Metropolitan Transp. Authority No. 11 CV4493, 2012 U.S. Dist. Lexis 143953 (S.D.N.Y. Sept. 24, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Endeavor Funding Corp.,
Plaintiff-Respondent,

-against-

M-4947
Index No. 106712/07

Ollie Allen,
Defendant-Appellant,
-----X
(And a third-party action)

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 15, 2010 (mot. seq. no. 003), and said appeal having been perfected,

And defendant-appellant having moved for an order staying the order of the Supreme Court, New York County, entered on or about September 20, 2012, inter alia, awarding plaintiffs a judgment of foreclosure and sale of certain property, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x
Harry M. Pierson,

Plaintiff-Appellant,

-against-

M-4795

Index No. 105088/06

New York City Department of Education,

Defendant-Respondent.
-----x

Plaintiff-appellant 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 12, 2011 (mot. seq. no. 006),

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 to perfect the appeal to the April 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 December 6, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----x
Barry Salzman,

Plaintiff-Respondent,

-against-

Michelle Salzman,

Defendant-Appellant.
-----x

M-4798
Index No. 300041/08

Defendant-appellant 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 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 to the extent of enlarging the time to perfect the appeal to the May 2013 Term, with leave to seek a further enlargement, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----x
Rainbow Holding Company, LLC,

Plaintiff-Respondent,

-against-

Mayne Miller,

Defendant-Appellant.
-----x

M-4990
Index No. 104497/11

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 9, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X

Interasian Digital Technology
Holdings Ltd.,
Petitioner-Respondent,

M-4756

Index No. 600006/10

-against-

James Park and Praxton, LLC,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 21, 2012,

And an order of a Justice of this Court dated October 11, 2012, having granted respondents-appellants an interim stay of proceedings,

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

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

Ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated October 11, 2012 is 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 December 6, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of

Armanie Jonathan G., also known as
Armani G., also known as Armoni G.,

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

M-4229
Docket No. B6634/08

- - - - -
The Salvation Army Social Services
of Greater New York,
Petitioner-Respondent,

Sonia G.,
Respondent-Appellant.

- - - - -
Lawyers for Children,
Attorney for the Child.

-----X

An appeal having been taken from tan order of the Family Court, New York County, entered on or about February 4, 2010,

And assigned counsel for the respondent-appellant having moved for leave to withdraw 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 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 December 6, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Crystal Biton,
Plaintiff-Appellant,

-against-

M-3915
Index No. 103927/98

Baxter Healthcare Corporation and
Baxter International, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about October 17, 2011 and October 25, 2011 (mot. seq. no. 002),

And an order of this Court having been having been entered on October 2, 2012 (Appeal No. 8166-8166A) dismissing the aforesaid appeals and directing the Clerks of Supreme Court of New York and Bronx Counties as well as the Clerk of this Court to accept no further filings from plaintiff-appellant with regard to certain matters,

And plaintiff-appellant having moved for a rehearing with respect to the aforesaid orders of the Supreme Court, New York County,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 6, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against- M-4308
Ind. Nos. 3914/08
Robert Camarano, 2918/08
Defendant-Appellant.

-----X

An order of this Court having been entered on November 4, 2010(M-4449) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2010, 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,

And an order of this Court having been entered on January 10, 2012 (M-5575) amending the notice of appeal, and related relief,

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

It is ordered that 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, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, 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

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3461
Ind. No. 2260/95

-against-

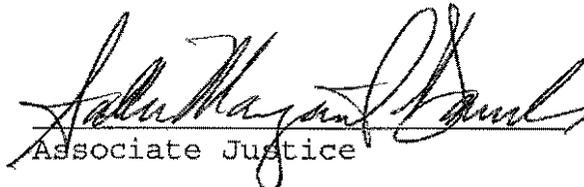
ORDER DENYING LEAVE
UPON REARGUMENT

Thomas Riley,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for reargument of the order of a Justice of this Court (M-757), entered on May 29, 2012, 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 Supreme Court, Bronx County, entered on or about March 29, 2011 is hereby denied.


Associate Justice

Dated: November 16, 2012
New York, New York

ENTERED: DEC 06 2012

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-4313
Ind. No. 2384/08

-against-

CERTIFICATE
DENYING LEAVE

James Armand, a/k/a Armand James,

Defendant.
-----X

I, Sallie Manzanet-Daniels, 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 April 3, 2012, is hereby denied.


Associate Justice

Dated: November 16, 2012
New York, New York

ENTERED:

DEC 06 2012