

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 January 10, 2012.

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

-----X  
Eng Min Lim,  
Plaintiff-Respondent,

-against-

M-5437X  
Index No. 309098/08

Mouhamed Mbenque and Morton C. Koplik,  
Defendants-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X  
498 Seventh LLC,  
Plaintiff-Respondent,

-against-

M-5481X  
Index No. 116108/08

Easy Street, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 2, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X

"Jane Doe",  
Plaintiff-Appellant,

-against-

M-5483X  
Index No. 105991/10

Harvey S. Hirsch, M.D.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 2, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X  
Giulio Lupo,  
Plaintiff-Respondent,

-against-

M-5435X  
Index No. 107565/06

Pro Foods, LLC, et al.,  
Defendants-Appellants.

-----X

An appeal and cross having been taken from an order of the Supreme Court, New York County, entered on or about March 11, 2011 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2011, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 January 10, 2012.

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

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

-against-

**M-4604**

Ind. No. 3385/07

Ronald Ratcliff,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Renee White, J.) entered on or about September 6, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

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

-against-

M-4817  
Ind. No. 6407/82

David Lee,  
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 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-

Joseph Harris,

M-4701  
DC #50  
Ind. No. 5027/08

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 7, 2009,

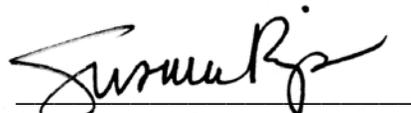
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the motion is deemed withdrawn, the appeal having already been perfected.

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 January 10, 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-

David Powell,

Defendant-Appellant.

M-4736  
DC #95  
Ind. Nos. 5602/03  
1077N/09

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 11, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 27, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2012 Term and counsel is directed to so perfect.

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 January 10, 2012.

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

-----X  
In re Council of School Supervisors  
and Administrators, Local 1, etc.,

Petitioner-Respondent,

-against-

**M-4610**  
Index No. 112483/09

New York City Department of Education,  
et al.,

Respondents-Appellants.  
-----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 September 15, 2011 (Appeal No. 5302),

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 January 10, 2012.

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

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

Xhevahire Sinanaj and Selvi Sinanovic  
as Co-Administrators of the Estate of  
Ramadan Kurtaj, Deceased, and Selvi  
Sinanovic, Individually,  
Plaintiffs-Appellants,

ACTION NO. 1

**M-4796**

**M-4694**

Index No. 117469/08

-against-

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

City of New York School Construction  
Authority, et al.,  
Defendants.

-----X  
Donald Raymond Leo, Administrator  
of the Estate of his Son, Donald  
Christopher Leo, Deceased May 30,  
2008,  
Plaintiffs-Appellants,

ACTION NO. 2

Index No. 117284/08

-against-

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

-----X

Separate appeals having been taken by the above-named plaintiffs in Actions 1 and 2 from the respective orders of the Supreme Court, New York County, both entered on or about February 8, 2011,

And the aforesaid plaintiffs-appellants having moved, by separate motions, to consolidate their respective appeals, and to enlarge the time in which to perfect said appeals,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the respective appeals to the June 2012 Term and directing the Clerk to place said appeals on the same day calendar for hearing together during said June 2012 Term, 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 January 10, 2012.

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

-----x  
Lapidus & Associates, LLP,

Plaintiff-Respondent,

-against-

M-5054  
Index No. 601955/05

Elizabeth Street, Inc., et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about February 18, 2010, and said appeal having been perfected,

And defendants-appellants having moved for a stay of the aforesaid judgment to the extent of precluding the enforcement thereof as against funds held in escrow by Elliott Meisel, Esq. relative to the above-captioned matter, 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.

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 January 10, 2012.

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

-----X  
DC Media Capital LLC, doing  
business as Newtek Media Capital,

Plaintiff-Respondent,

-against-

M-5527  
Index No. 600378/07

Avi Sivan, etc., et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, February 18, 2011 (mot. seq. no. 007),

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 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 January 10, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against- M-5575  
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), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2010, under Indictment No. 3914/08, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 2918/08,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 2918/08, and extending the poor person relief previously granted to cover same.

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 January 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Mohamed Quattara,

Plaintiff-Appellant,

-against-

**M-5210**

Index No. 6432/06

Ibrahim Saleh Ahmed, et al.,

Defendants-Respondents.  
-----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 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 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 January 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Johnny Franqui,

Plaintiff-Appellant,

**M-5211**

**M-5366**

-against-

Index No. 15232/07

Sat Car, Inc., et al.,

Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 25, 2011,

And defendants, Sat Car, Inc. and Luis M. Tiburcio, having moved for dismissal of the aforesaid appeal (M-5211),

And defendants, CBC Leasing, Inc., Speedy Rent-a-Car, Inc., and Premier Ford, Inc., having moved for the same relief (M-5366),

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

It is ordered that the motions are 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 January 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Jorge Rodriguez,

Plaintiff-Appellant,

**M-5212**

Index No. 102662/08

-against-

Diop Djiby, et al.,

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 28, 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 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 January 10, 2012.

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

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

-against-

M-4863  
Ind. No. 1142/10

Jordan Edgecombe,  
Defendant-Appellant.

-----X

Defendant 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 June 15, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 January 10, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4936  
Ind. No. 3503/11

Barbaro Cabrera,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 22, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4963  
Ind. No. 6724/06

Jarlyn Santana,

Defendant-Appellant.

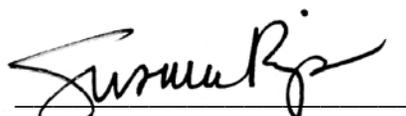
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X

The People of the State of New York,  
Respondent,

-against-

José Tirson,

Defendant-Appellant.

M-4965  
Ind. Nos. 4839/09  
1315/11

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 9, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

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

-against-

M-4785  
Ind. No. 5376/98

Samuel Winfield,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Rena Uviller, J.) entered on or about September 9, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X  
In the Matter of the Application  
of Thomas Maldonald, M.D., Chief  
of Vascular Surgery, Bellevue  
Hospital Center,  
Petitioner-Respondent,

For an order authorizing Bellevue  
Hospital to perform a right lower  
extremity amputation and all  
associated procedures upon

M-5777  
Index No. 403230/11

R.J.,

A Patient at Bellevue Hospital  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 22, 2011,

And respondent-appellant having moved to stay the aforesaid order to the extent it determined respondent lacked capacity under Public Health Law 2994 to make a reasoned decision with regards to proposed medical treatment and authorized petitioner to arrange for major medical treatment including amputation of respondent's right lower extremity and all other associated procedures, pending hearing and determination of the appeal,

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

It is ordered that the motion is granted on condition the appeal is perfected for the March 2012 Term with the following filing deadlines: appellant's brief on or before January 20, 2012; respondent's brief on or before February 3, 2012; appellant's reply, if so advised, on or before February 10, 2012. The Clerk is directed to calendar said appeal during the first week of said March 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

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

Respondent,

-against-

M-3061  
SCI No. 206/03

Julio Fuentes,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 30, 2011 (Appeal No. 5485), 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 and the decision and order of this Court entered on June 30, 2011 (Appeal No. 5485) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5485, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----x

Joanne Kase,  
Plaintiff-Respondent,

-against-

M-4876  
Index No. 113045/09

The H.E.E. Company, et al.,  
Defendants-Appellants.

- - - - -

[And a third-party action]

-----x

Defendants having moved, pursuant to CPLR 5520(a), for leave to file a late a late notice of appeal from the order of the Supreme Court, New York County, entered on or about August 24, 2011 (mot. seq. no. 004), and for a stay of all proceedings pending hearing and determination from 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 to the extent of deeming the notice of appeal timely served, and the stay of proceedings is granted on condition defendants perfect their appeal for the May 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 January 10, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----x  
In the Matter of the Application of  
Joyce M. Griffin,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-5395  
Index No. 402981/10

-against-

New York City Department of Housing  
Preservation and Development, et al.,  
Respondents.

-----x

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 7, 2011,

And an order of this Court having been entered on September 1, 2011 (M-2865), inter alia, granting a vacatur of a stay granted by the aforesaid transferred order unless petitioner pay and remain current in her pre-termination share of monthly rent and perfects the proceeding for the January 2012 Term,

And respondents/landlords, Riverside Park Community, LLC and Riverside Park Community II, LLC, having moved for vacatur of all stays barring them from proceeding in Housing Court as against petitioner,

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 proceeding 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 January 10, 2012.

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

-----X

In the Matter of the Application of

60 91<sup>st</sup> Street Corp., et al.,  
Petitioners,

**M-4573**

**M-4874**

Index No. 105687/10

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

-against-

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

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, dated November 15, 2010,

And respondent having moved to dismiss the aforesaid proceeding (M-4573),

And petitioners having cross-moved to enlarge the time in which to perfect the proceeding (M-4874),

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 granted to the extent of dismissing the proceeding unless perfected on or before March 19, 2012 for the June 2012 Term (M-4573). The cross motion for an enlargement of time in which to perfect the proceeding is granted to the extent indicated (M-4874).

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 January 10, 2012.

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

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

-against-

M-4917  
Ind. No. 531/08

Woodrow McNeely,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Renee White, J.) entered on or about September 13, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4634  
Ind. No. 4081/09

Jose Palaguachi, also known as  
Jose Palagauchi,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, John J. Garzon, Esq., and to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 10, 2012.

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

-----X

The People of the State of New York,

Respondent,

**M-4579**

-against-

Ind. No. 6283/01

Gregory Galberth,

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, rendered on or about April 6, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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.

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 January 10, 2012.

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

-----X  
Stella Asante and Kofi Asante,  
Plaintiffs-Respondents,

-against-

**M-5174**

Index No. 6779/07

JPMorgan Chase & Co.,  
Defendant-Respondent-Appellant,

Trustees of Columbia University,  
Defendant,

United Building Maintenance,  
Defendant-Appellant-Respondent.

-----X

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

And defendant-appellant-respondent, United Building Maintenance, having moved for an order staying trial pending hearing and determination of the appeal and cross appeal,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-5003  
Ind. No. 8844/98

Shahid Rashad,

Defendant-Appellant.  
-----x

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 August 6, 2007,

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 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 January 10, 2012.

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

-----x  
Tower Insurance Company of New York,  
Plaintiff,

-against-

M-5277  
Index No. 106183/11

The Estate of Darnley DeCosta, in  
care of Sydney Gordon, Sydney Gordon  
Individually and as Administrator  
on behalf of the Estate of Darnley  
DeCosta and as Administrator on behalf  
of the Estate of Muriel Gordon,  
Defendants,

Lawrence Bennett and Jacqueline Bennett,  
Defendants.

-----x

Defendants The Estate of Darnley DeCosta, etc., et al.  
having moved, pursuant to CPLR 5704, for affirmative relief  
denied by a Justice of the Supreme Court, New York County, on  
November 9, 2011,

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

It is ordered that the motion is 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 January 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Galina Vlasova,  
Plaintiff,

**M-4654**

Index No. 114000/05

-against-

The City of New York,  
Defendant.

-----X

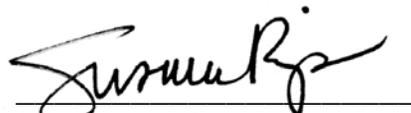
An order of this Court having been entered on May 26, 2011 (M-1540) dismissing plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about April 21, 2010 (mot. seq. no. 005),

And plaintiff having moved for reinstatement of her 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 January 10, 2012.

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

-----X  
Claudia Evert,

Plaintiff-Appellant,

-against-

Park Avenue Chiropractics, P.C.,  
et al.,

Defendants-Respondents.  
-----X

**M-3640**

**M-3699**

**M-3839**

Index No. 117760/04

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on July 7, 2011 (Appeal No. 5535) [M-3640],

And defendants-respondents having cross-moved for an order denying plaintiff's motion for reargument, and for the imposition of sanctions against plaintiff, and for the awarding of certain costs and legal fees [M-3699],

And non-party movant, Jeffrey Weisenfeld, Esq., having moved to intervene to oppose defendants' motion insofar as it seeks to recover certain costs [M-3839],

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

It is ordered that the motions and cross motion are 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 January 10, 2012.

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

-----X  
In the Matter of a Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

Sandra N., M-4002  
Petitioner/Intervenor-Appellant, Docket No. B3732/11  
B25556/09

-against-

Administration for Children's Services  
and Shanikqua N.,  
Respondents-Respondents.

-----X  
In the Matter of a Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

Sandra N.,  
Petitioner/Intervenor-Appellant, Docket No. V24502/09

-against-

Administration for Children's Services  
and Shanikqua N.,  
Respondents-Respondents.

-----X

Assigned counsel for the subject child, Elijah N.,  
having moved for leave to respond, as a poor person, the appeal  
from the order of the Family Court, New York County, entered on  
or about July 22, 2011, and for assignment of counsel, a free  
copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34 New York, NY 10031, Telephone No. (347)645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of

Fermijon Marrero,  
Petitioner-Appellant,

-and-

Juana Marrero,  
Petitioner,

M-5085  
Index No. 400889/10

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

-against-

New York City Housing Authority,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about December 28, 2010, 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 January 10, 2012.

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

-----X

Constantine Korelis,

Plaintiff,

-against-

**M-4420**

Index No. 12254/92

Conriv Realty Corp.,

Defendant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 7, 2011 denying, upon plaintiff's nonappearance, plaintiff's motion to vacate a 1996 stipulation of settlement and discontinuance of the action,

And plaintiff having moved for an enlargement of time in which to file a notice of appeal from the aforesaid order, for leave to prosecute said appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

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 January 10, 2012.

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

-----X  
Rosemarie Acevedo,

Plaintiff-Appellant,

-against-

1221 Avenue Holdings, Inc.,

Defendant-Respondent.  
-----X

**M-5207**  
Index No. 107006/06

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 24, 2009, 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 January 10, 2012.

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

-----X  
Casa Redimix Concrete Corporation,

Plaintiff-Appellant,

-against-

**M-5284**  
Index No. 24860/05

United States Fidelity and Guaranty  
Company,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 7, 2009, 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 January 10, 2012.

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

-----X  
In re Gina C.,

Petitioner-Respondent,

-against-

Michael C.,

Respondent-Appellant.  
-----X

**M-4831**

Docket Nos. O-28812/07  
V18627/06

Respondent-appellant having moved for reargument/renewal of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 22, 2011 (Appeal No. 5545),

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 January 10, 2012.

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

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

-against-

**M-5243**

Ind. No. 5485/01

Jason Lewis,

Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 22, 2002, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied (CPL 460.30).

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 January 10, 2012.

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

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

-against-

**M-5283**  
Ind. No. 2141/01

Julio Nova,

Defendant.

-----X

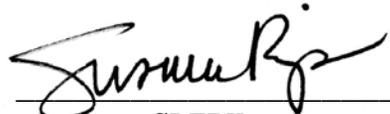
An order of this Court having been entered on April 13, 2010 (M-5787), denying defendant an enlargement of time in which to file a notice of appeal,

And defendant having renewed his motion 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 June 6, 2002, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied. (CPL 460.30).

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 January 10, 2012.

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

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

Respondent,

-against-

M-3025  
Ind. No. 710/08

Lloyd Nicholson,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2010,

And counsel for defendant-appellant, Damond J. Carter, Esq., having moved for leave to withdraw as counsel in connection with the aforesaid appeal, and for poor person relief and assignment of counsel for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, an enlargement of time to perfect the appeal, and for related relief,

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

It is ordered that the motion is granted only to the extent of enlarging the time to perfect the appeal to on or before February 21, 2012 for the May 2012 Term.

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

Ordered that the motion, to the extent counsel seeks leave to withdraw as counsel on appeal, is denied, with leave to renew upon a notarized affidavit advising the court of the specific and valid grounds for withdrawing as counsel.

ENTER:



CLERK

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 - 3627  
Ind. Nos.  
3463/03; 5958/03

-against-

CERTIFICATE  
DENYING LEAVE

OSCAR SABLE,

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 the Criminal Procedure Law §§ 450.15 & 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 March 24, 2011 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: August 22, 2011  
New York, New York

ENTERED: JAN 10 2012