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 17, 2012.

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

----------X
Green 110 East 42nd LLC,

Plaintiff-Respondent,

-against-

M-5643X
Index No. 651275/11

Irene Garage 2, LLC,

Defendant-Appellant.
----------X

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

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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

Appellant,

-against-

M-5638
Ind. No. 2003/10

Juan Rodriguez,

Defendant-Respondent.
----------X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about July 20, 2011,

Now, upon reading and filing the stipulation of the parties hereto dated December 13, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 17, 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-4661
Ind. No. 3378/07

Robert Denis,

Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 2, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 serve one copy of such brief upon the District Attorney of said county and file 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.

Defendant-appellant's time in which to perfect the appeal is 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 17, 2012.

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

----------X
American Express Travel Related Services Company, Inc.,

Plaintiff-Respondent,

-against-

M-5478
Index No. 400453/07

Aviv Gaal,

Defendant-Appellant.
----------X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 19, 2010 (mot. seq. nos. 003-004),

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 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 17, 2012.

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

----------x
Richard Gordon,

Plaintiff,

-against-

M-5266
Index No. 251501/11

Wells Fargo Bank Minnesota, N.A., et al.,

Defendants.
----------x

Plaintiff having moved, pursuant to CPLR 5704(a), for review of an order to show cause, said relief having been denied by the order of a Justice of this Supreme Court, Bronx County, dated November 16, 2011, or 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 January 17, 2012.

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

----------X

MSCI Inc., Financial Engineering Associates, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5649
Index No. 651451/11

Philip Jacob,
Defendant-Respondent,

-and-

Axioma, Inc., et al.,
Defendants.

----------X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 14, 2011, and said appeal having been perfected (mot. seq. no. 002),

And plaintiffs having moved for leave to supplement the record on appeal to include a certain complaint attached to the moving papers as Exhibit B,

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

Ordered that the motion is granted to the extent of directing plaintiffs-appellants to serve and file 10 copies of a supplemental record on appeal with the Clerk of the Court which shall include the aforesaid complaint for the April 2012 Term, to which Term the appeal is adjourned.

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 17, 2012.

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

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

M-5460

Frances M.,
Petitioner-Appellant,

Docket Nos. V19916/05
V13194/09
V18721/09

-against-

Jorge M.,
Respondent-Respondent.
- - - - - - - - - - - - - - - - - -
Lisa H. Blitman, Esq.,
Attorney for the Child.
----------X

An appeal having been taken from the orders of the Family Court, Bronx County, entered on or about October 12, 2010 and October 15, 2010, respectively, and said appeal having been perfected,

And Lisa H. Blitman, Esq., Family Court attorney for the subject child, Amanda M., having moved on said child's behalf, for leave to respond, as a poor person, to the aforesaid appeal, for the assignment of Lisa H. Blitman, Esq., as child's counsel, for 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, Lisa H. Blitman, Esq.,

225 Broadway, New York, NY 10007, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of responding to the appeal on the child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. The aforesaid perfected appeal is adjourned 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 17, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

----------X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.
- - - - - - - -
Fatima V., M-4503
Petitioner-Appellant, Docket No. O-11876/10

-against-

Ramon V.,
Respondent-Respondent.
----------X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 20, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, New York 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor[1] **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

[1]Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order**; and (4) 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

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 17, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-4983
Case No. 34008C/06

David Saravia,

Defendant-Appellant.
----------x

Assigned counsel having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 18, 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 deeming the appeal withdrawn, and the motion is otherwise denied.

ENTER:

CLERK

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

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

----------X
The People of the State of New York
ex rel. Christopher Daniels,
Petitioner,

-against-

M-5131
Ind. No. 3695/10

Joandrea Davis, G.M.D.C.
Respondent(s).
----------X

The above-named petitioner having moved 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 motion be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at George Motchan Detention Center, 15-15 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271;

and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:

CLERK

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

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

----------X
Isabel Hernandez,

Plaintiff-Appellant,

-against-

M-5755
Index No. 16906/04

The City of New York and The New York City Transit Authority,

Defendants-Respondents.
----------X
(And a third-party action)

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 25, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 17, 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-4536
Ind. No. 3118/09

Juan Carlos Rodriguez,
Defendant-Appellant.
----------X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 13, 2010, and for leave to prosecute the appeal as a poor person, 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 deeming the notice of appeal as timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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.

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 January 17, 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-4725
Ind. No. 64501C/04

Peter Martinez,

Defendant-Appellant.
----------x

An appeal having been taken to this Court from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about April 9, 2008,

And assigned counsel for appellant having moved to be relieved as counsel or, in the alternative to dismiss the appeal as abandoned,

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 appeal withdrawn, and the motion is otherwise denied.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 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-4740
Ind. No. 6424/08

José Rivera,

Defendant-Appellant.
----------x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about March 10, 2009,

And assigned counsel for appellant having moved to be relieved as counsel or, in the alternative to dismiss the appeal as abandoned,

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 appeal withdrawn, and the motion is otherwise denied.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 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-4734
Ind. No. 1000/08

Julio Perez,

Defendant-Appellant.
----------x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about October 30, 2008,

And assigned counsel for appellant having moved to be relieved as counsel or, in the alternative to dismiss the appeal as abandoned,

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 appeal withdrawn, and the motion is otherwise denied.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 17, 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-5089
Ind. Nos. 5886/03
3917/03

Jamel McRae,
Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, separate appeals from the judgments of **resentence** of the Supreme Court, New York County, entered on or about September 20, 2011 (Ind. No. 5886/03) and October 11, 2011 (Ind. No. 3917), for leave to have the respective appeals 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 respective appeals to be heard upon the original record and upon a reproduced appellant's briefs, on condition that appellant serves one copy of each 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** under each indictment number. The Clerk shall furnish a copies 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 appeals. The time within which appellant shall perfect the appeals is hereby enlarged until 120 days from the date of filing of the record with respect to each matter.

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 17, 2012.

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

----------x
The People of the State of New York
ex rel. James Smith,
Petitioner-Appellant,

M-4477
Index No. 400502/11

-against-

Joandrea Davis, Warden, Rikers Island,
Respondent.
----------x

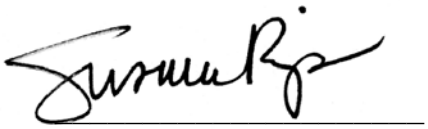
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 18, 2011, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for a stay of proceedings in certain matters pending in Supreme Court, New York County, Criminal Term, under Ind. Nos. 4352/09 and 36/10 pending hearing and determination of the appeal, and for the assignment of counsel,

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 that it is directed that the appeal 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Pursuant to Section 35 of the Judiciary Law, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. (914) 949-8214, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court. The motion, to the extent it seeks a stay of proceedings in the aforementioned matters, 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 17, 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,

M-4605
-against- Ind. No. 1293/11

James Thomas,

Defendant-Appellant.
----------X

Defendant having moved, both pro se and through Leonard J. Levenson, Esq., for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 7, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for the assignment of Leonard J. Levenson, Esq., as counsel on 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, 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.

Leonard J. Levenson, Esq., 225 Broadway, Suite 1805, New York, New York 10007, Telephone No. (212) 732-0522, 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 17, 2012.

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

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

M-4607
M-5099
Ind. No. 229/04

-against-

Joseph Watson,
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 27, 2004, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-4607),

And respondent having cross-moved for dismissal of the aforesaid appeal for failure to timely prosecute (M-5099),

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 (M-4607) is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), 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. The application shall include an affidavit of the source[s] of all funds utilized by defendant. The cross motion (M-5099) 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 17, 2012.

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

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

Sarayl Waterman,
Petitioner,

M-5524
Index No. 401221/10

For a Judgment Pursuant to Article 78 of the CPLR,

-against-

New York City Housing Authority,
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, entered on or about December 14, 2010,

And an order of this Court having been entered on October 6, 2011 (M-4081), granting petitioner leave to prosecute the proceeding as a poor person and an enlargement of time in which to perfect said proceeding,

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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

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

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

----------X
John M. Ferolito, et al.,
Plaintiffs-Appellants,

-against-

Domenick J. Vultaggio, et al.,
Defendants-Respondents.
----------X
Domenick J. Vultaggio, et al.,
Counterclaim/Third-Party
Plaintiffs,

-against-

John M. Ferolito, et al.,
Counterclaim/Third-Party
Defendants-Appellants.
----------X
In the Matter of the Application of
John M. Ferolito, the holder of more
than 20 percent of all outstanding
shares of Beverage Marketing USA, Inc.
Petitioner-Appellant,

For the Dissolution of Beverage
Marketing USA, Inc.
----------X
John M. Ferolito and the John Ferolito,
Jr. Grantor Trust (John M. Ferolito and
Carolyn Ferolito as Co-Trustees), both
individually and on behalf of Beverage
Marketing USA Inc.,
Plaintiffs-Appellants,

-against-

Domenick J. Vultaggio and David
Menashi,
Defendants-Respondents.
----------X

SEALED

M-5606
M-5629

Index Nos. 600396/08
590967/08
100568/11

Appeals having all been taken by appellant(s) “Ferolito” from the order of the Supreme Court, New York County, entered on or about June 2, 2011 (mot. seq. no. 019); from the order and judgment (one paper) of said Court entered on or about June 3, 2011 (mot. seq. no. 018); and from the orders of said Court entered on or about June 24, 2011 (mot. seq. no. 001 and 002), and said appeal filed under calendar number 1481 having been perfected and filed under “Seal”,

And defendants-respondents having moved to supplement the records on appeals filed under calendar numbers 1144, 1317 and 1306 (M-5606),

And petitioner/appellant “Ferolito” having cross-moved to enforce the stipulation of the parties dated September 28, 2011 (M-5629),

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 (M-5606) is granted to the extent of permitting defendants-respondents leave to serve and file 9 copies of a supplemental appendix, at their own expense, on or before February 1, 2012 for the March 2012 Term, to which Term all of the aforementioned appeals are adjourned, said appendix to include only the documents submitted as Exhibit 6, Exhibit 7, Exhibit 8A, Exhibit 8C, Exhibit 9 and Exhibit 10 to the Amended Affirmation of Michael S. Lazaroff, Esq., submitted in support of the motion. Sua sponte, defendants-respondents are also granted leave to include in the supplemental appendix any documents as to which appellant’s counsel stipulates in writing, along with a copy of the duly executed stipulation. The cross motion (M-5629) 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 17, 2012.

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

----------x

Thomas Gass,

Plaintiff-Respondent,

-against-

M-5355
Index No. 302536/08

Susan Gass,

Defendant-Appellant.

----------x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 26, 2010, and said appeal having been perfected,

And defendant-appellant having moved for a stay of an equitable distribution proceeding pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

CLERK

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

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

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

Respondent,

-against-

M-4509
Ind. No. 3806/10

Brian Hunt,

Defendant-Appellant.
----------X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, County, rendered on or about April 27, 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 $7,500 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 17, 2012.

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

----------X
In the Matter of a Proceeding for Custody and/or Visitation Under Article 6 of the Family Court Act.
- - - - - - - - - - - - - - - -
Blerim M.,
Petitioner-Respondent,

M-5307
Docket No.V-03040-43/06-06A

-against-

Raquel M.,
Respondent-Appellant.
- - - - - - - - - - - - - - - -
Lashawn Watts, Esq., Children's Law Center,
Attorney for the Child.
----------X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about December 1, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 17, 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-4990
Ind. No. 4215/09

Oscar Padilla,

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 (Carol Berkman, J.), entered on or about June 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 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 17, 2012.

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

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

-against-

M-4813
Ind. No. 5258/08

Christopher Lee,
Defendant-Appellant.
----------X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 9, 2009,

And defendant having moved for an order directing that a certain ex parte proceeding held during defendant's trial be unsealed, and, pursuant to any reasonable protective order, any proceedings pertaining to witnesses interviewed by New York City Police Department detectives, be turned over by the People to defendant's counsel for review,

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 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

----------X
MBIA Insurance Corporation,

Plaintiff-Respondent,

-against-

M-5873
Index No. 602825/08

Countrywide Home Loans, Inc., et al.,

Defendants-Appellants.
----------X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 18, 2011 (mot. seq. no. 017) and on or about July 1, 2011 (mot. seq. no. 029), respectively, and said appeals having been consolidated by an order of this Court entered on October 18, 2011 (M-3432/ M-3630/M-3597), and said consolidated appeals having been perfected,

And plaintiff-respondent having moved this Court to disregard certain documents contained in defendants' record on appeal along with references to said documents in defendants' main brief,

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

Ordered that the motion is 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 17, 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-4642
Ind. No. 3023/10

Charles Woods,

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 May 10, 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 $3,500 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 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

----------x
The City of New York, et al.,
Plaintiffs-Respondents,

-against-

M-5655
Index No. 401531/11

598 Broadway Realty Associates, Inc., et al.,
Defendants-Appellants.
----------x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 16, 2011,

And defendants-appellants having moved for vacatur or modification of a preliminary injunction issued in the aforesaid order of Supreme Court, New York County appealed, or for alternative 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 17, 2012.

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

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

Respondent,

M-5067
-against- Ind. No. 1155/10

Mbarek Lafrem,

Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 1, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

CLERK

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

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

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

Respondent,

M-5056
-against- Ind. Nos. 5974/06
2125/07

Rashiem Swails,

Defendant-Appellant.
----------X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, both rendered on or about November 30, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

CLERK

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

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

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

M-5068
-against- Ind. No. 4702/00

Francisco Monsanto,
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, entered on or about October 18, 2011, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 the fee of trial counsel, Michael Nedick, 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 17, 2012.

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

----------X
Angela Pierre, et al.,
Plaintiff-Appellants,

-against-

M-5526
Index No. 100143/10

Mary Manning Walsh Nursing Home Co., Inc. and Archcare,
Defendant-Respondents.
----------X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 19, 2011, and said appeal having been perfected,

And defendants-respondents having moved for judicial notice of certain court-filed documents or in the alternative to enlarge the record on appeal to include certain exhibits, 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 defendants-respondents to file, forthwith, a supplemental record on appeal which includes the documents annexed to the affidavit of Michael P. Esq. submitted in support of the motion as Exhibits A through D. The motion is otherwise denied.

ENTER:

CLERK

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

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Sheila Abdus-Salaam
Nelson S. Román, Justices.

----------x
George Campbell Painting and
Triborough Bridge and Tunnel Authority,
Plaintiffs-Respondents,

-against-

M-2366
Index No. 116389/08

National Union Fire Insurance Co.
of Pittsburgh, PA.,
Defendant-Appellant.
----------x

Separate appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about May 21, 2009 (mot. seq. nos. 001, 002) and May 24, 2011 (mot. seq. no. 003), respectively,

And the appeal from the order entered on or about May 21, 2009 having been perfected and heard (Appeal No. 4010),

And defendant-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is 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 17, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Respondent,

M-4884
-against- Ind. No. 5398/10

Monica Amador,

Defendant-Appellant.
----------X

Defendant having renewed the 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 April 26, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

CLERK

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

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

----------X
Louis Best,

Plaintiff-Appellant,

-against-

M-5147
Index No. 108092/07

Lesley D. Webster and Toyota Scion,

Defendants-Respondents.
----------X

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about August 16, 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 to dismiss the appeal is granted unless the appeal is perfected for the May 2012 Term. Sua sponte, the time in which to perfect the appeal is enlarged to said 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 17, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

----------X
In the Matter of the Application of
Jose Sanchez,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 of the CPLR,

M-5263
Index No. 401350/11

-against-

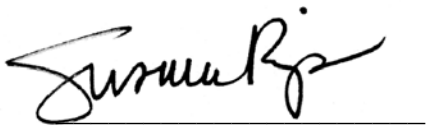
New York City Housing Authority,
Respondent-Respondent.
----------X

Petitioner-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 31, 2011, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted 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 attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

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

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Respondent,

M-5223
-against- Ind. No. 3333/09

Larry Dixon,

Defendant-Appellant.
----------X

Defendant having renewed the 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 April 20, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

CLERK

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

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

----------x
Morrison Cohen, LLP,

Plaintiff-Appellant,

-against-

M-5007
Index No. 104100/09

David Fink,

Defendant-Respondent.
----------x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 12, 2011 (mot. seq. no. 006), and said appeal having been perfected,

And plaintiff-appellant having moved for a stay of 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 January 17, 2012.

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

----------x
444 East 86th Owners Corp.,
Plaintiff-Appellant,

-against-

M-5336
Index No. 106047/09

435 East 85th Street Tenants Corp.,
Defendant-Respondent.
----------x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 14, 2011,

And defendant-respondent having moved for an order enlarging the record on appeal to include letters from defendant dated June 14, 2010 and August 24, 2010, and the City of New York Environmental Control Board's decision and order dated October 20, 2011, and for an adjournment of said 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 only to the extent of enlarging the record on appeal to include the order of the City of New York Environmental Control Board rendered on or about October 20, 2011 (Exhibit 6 to the moving papers), and maintaining the appeal on the calendar for the February 2012 Term. The motion is otherwise denied.

ENTER:

CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

----------X

The People of the State of New York,

Respondent,

-against-

Robert Bautista,

Defendant.

----------X

M-5398
Ind. No. 2450/2002

CERTIFICATE
DENYING LEAVE

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about October 12, 2011 is hereby denied.

Hon. Peter Tom
Associate Justice

Dated: January 6, 2012
New York, New York

ENTERED JAN 17 2012

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

----------X

The People of the State of New York,

M-5292
New York Co.
Indictment Nos.
1752/05, 2059/05

-against-

CERTIFICATE
DENYING LEAVE

Cary Cutter,

Defendant.

----------X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 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 June 29, 2011 is hereby denied.

Dated: New York, New York

David B Saxe
Justice of the Appellate Division

ENTERED JAN 17 2012

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-5726
Ind. No. 3821/2001

-against-

CERTIFICATE
DENYING LEAVE

Eddie Tarafa,

Defendant.
----------X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated on or about August 18, 2011 (Nicholas Iacovetta, J.)is hereby denied. Defendant's motion for poor person relief on appeal is denied as moot.

Associate Justice

Dated: January 9, 2012
New York, New York

ENTERED: JAN 17 2012

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

----------X

The People of the State of New York,

M – 5673
Ind. No. 6073/08

-against-

CERTIFICATE
DENYING LEAVE

Sergei Khramtsov, a/k/a,
Sergei Kuramstov

Defendant.

----------X

I, Rolando T. Acosta, 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 orders of the Supreme Court, New York County, entered on or about November 15, 2011. That portion of the motion seeking consolidation with the direct appeal is also denied.

Hon. Rolando T. Acosta
Associate Justice

Dated: January 4, 2012
New York, New York

ENTERED: JAN 17 2012

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

----------x

The People of the State of New York,
Respondent,

M-5343
Ind. No. 4889/05

-against-

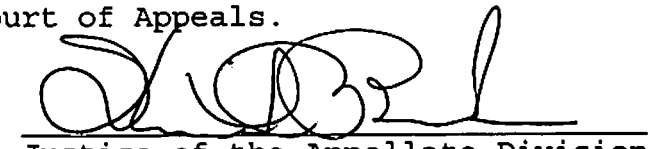
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Akieme Nesbitt,
Defendant-Appellant.

----------x

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

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: January 5, 2012
New York, New York

ENTERED: JAN 17 2012

*Description of Order:

Supreme Court, New York County, entered on 9/24/08.
App. Div., 1st Dept., Appeal No. 5273, Affd on 11/03/11.

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

PM ORDERS

ENTERED ON

JANUARY 17, 2011

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 17, 2012.

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

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

Isabelita Gonzalez and Emadeldin Omar,
Petitioners-Appellants,

Michael James and Luise Trabucchi,
Petitioners,

M-5593
Index No. 400151/08

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Division of Housing and Community
Renewal of the State of New York,
168-70 West 25th Street Associates
and Irving Ledereich,
Respondents-Respondents.
----------X

An appeal having been taken by the above-named petitioners-appellants from the order of the Supreme Court, New York County, entered on or about May 6, 2010, and Isabelita Gonzalez having perfected her appeal,

And an order of this Court having been entered on October 27, 2011, granting petitioner-appellant Isabelita Gonzalez and petitioner-appellant Emadeldin Omar, an enlargement of time in which to perfect their respective appeals and denying petitioner-appellant Emadeldin Omar leave to prosecute said appeal as a poor person (M-3332/M-4144),

And petitioner-appellant Emadeldin Omar having moved for reconsideration of the aforesaid order (M-4144) or alternatively to permit said petitioner-appellant to file a brief in support of the appeal perfected by petitioner-appellant Isabelita Gonzalez,

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 allowing petitioner-appellant Emadeldin Omar to file 9 copies of a brief in support of the appeal perfected by petitioner-appellant Isabelita Gonzalez on or before February 21, 2012 for the May 2012 Term to which Term the appeal is adjourned. Sua sponte respondents-respondents are granted leave to file a supplemental respondents' brief in answer thereto if so advised.

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 17, 2012.

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

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