

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 May 24, 2012.

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

-----X
Mary Purritano,
Plaintiff-Respondent,

-against-

M-2122X
Index No. 104345/09

Cooperstown Dreams Park, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 13, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 24, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
James Hamilton,

Plaintiff-Respondent,

-against-

M-2178X

Index No. 105351/09

Christopher Kyriakides and Alfred B.
Morgan,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 6, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
DAS Communications, Ltd.,
Plaintiff-Respondent,

-against-

M-2180X
Index No. 650457/10

Kesha Rose Sebert, previously known
as Ke\$ha, an individual and Lukasz
Gottwald, previously known as Dr. Luke,
an individual,
Defendants-Appellants.

-----X
[And Related Counterclaims]
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 29, 2011 (mot. seq. no. 003) and November 2, 2011 (mot. seq. no. 005), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X

Samantha Lefcort,

Plaintiff-Respondent,

-against-

M-2187X

Index No. 116352/09

City of New York, Craig D. Albarella,

Defendants,

Mazhar Hussain and Aanas A. Safdar,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 20, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
Robin Katz,
Plaintiff-Appellant,

-against-

M-2189X
Index No. 314962/10

Anton Katz,
Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 18, 2012, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
Barbara Chernow,
Plaintiff-Appellant,

-against-

M-2081
Index No. 116666/07

The City of New York,
Defendant-Respondent,

-and-

Ronald Winston and Corina Lamotte,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 30, 2011 (mot. seq. no. 007),

Now, upon reading and filing the stipulation of the parties hereto, dated April 24, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----x
Arianit Simoni,
Plaintiff-Respondent,

-against-

M-1432

Elizabeth Costigan,
Defendant-Appellant,

Action Nos. 1 & 2

Index No. 24300/06

-and-

Ann Morgan Bernardone and Antonio
Sanchez,
Defendants.

-----x
Arianit Simoni,
Plaintiff-Respondent,

-against-

Action No. 3

Index No. 302290/10

Paul J. Napoli, Esq., Marc J. Bern,
Esq., Alan S. Ripka, Esq., Napoli
Bern Ripka, LLP and Jeffrey W.
Varcadipane, Esq.,
Defendants-Respondents.

-----x
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 14, 2011, and said appeal having been perfected,

And defendants-respondents having moved for leave to file a supplemental record on appeal, or for related relief,

Now, upon reading and filing the papers with respect to the motion and the stipulation between the parties dated April 26, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
H&H Custom Homes Inc.,
Plaintiff-Respondent,

-against-

M-1750
Index No. 651119/10

Mithcell H. Kossoff and Farmview
Estates, LLC,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 18, 2011, and said appeal having been perfected,

And defendants-appellants having moved for stay of all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated April 16, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
Simon Kearney,
Plaintiff-Respondent,

-against-

M-1774
Index No. 651389/11

John M. Conroy, also known as
Ian Conroy, Niall Conroy,
324 Seventh Ave. Restaurant Corp.,
350 Seventh Ave. Restaurant Corp.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 29, 2012,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated April 20, 2012 and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

In the Matter of

Immanuel C.-S.,

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

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

M-2146
Docket No. NN-34456/11

Debra C.,
Respondent-Appellant.

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

-----X

Respondent-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 March 26, 2012, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. (914)793-7534, 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 therefor¹ **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

¹Service 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 May 24, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-1637
Ind. No. 99036/06

Alexander Irizarry, also known as
Alex Irizzary De Leon,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megal Tallmer, J.) entered on or about August 4, 2006, 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 Tallmer 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 May 24, 2012.

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

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

-against- **M-2181**
Ind. No. 2308/08

Ross Campbell,
Defendant-Appellant.
-----X

An order of this Court having been entered on May 17, 2011 (M-1213) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 23, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

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 May 24, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Daniel Landers,

Plaintiff-Respondent,

-against-

1345 Leasehold LLC, et al.,

Defendants,

Plaza Construction Corp.,

Defendant-Appellant.

-----X

M-2088
Index No. 104454/08

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 18, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
Herbert Moreira-Brown,
Plaintiff-Appellant,

-against-

M-408
Index No. 26490/99

The City of New York, New York City
Police Department and New York City
Police Detective Raymond Rivera,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 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 denied, with leave to renew upon resubmission of the notice of motion and supporting papers including copies of the notice of appeal and order appealed from (CPLR 600.2[a][3]).

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 May 24, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Application of Robert T. Giaimo,
Individually and as Co-Executor
of the Will of Edward P. Giaimo, Jr.,
Deceased, for the Judicial Dissolution
of EGA Associates, Inc.,
Petitioner-Respondent-Appellant,

-against-

M-2073
Index No. 110474/07

Janet Giaimo Vitale,
Respondent-Appellant-Respondent.

-----x
Application of Robert T. Giaimo,
Individually and as Co-Executor
of the Will of Edward P. Giaimo, Jr.,
Deceased, for the Judicial Dissolution
of EGA Associates, Inc.,
Petitioner-Respondent-Appellant,

-against-

Index No. 110445/07

Janet Giaimo Vitale,
Respondent-Appellant-Respondent.

-----x

Appeals and cross appeals having been taken to this Court from a judgment of the Supreme Court New York County, entered on or about August 26, 2011 [Index No. 110474/07] and a judgment of the same Court and Justice entered on or about September 13, 2011 [Index No. 110445/07], respectively,

And respondent-appellant-respondent Janet Giaimo Vitale having moved for consolidation of the aforesaid appeals and cross appeals,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated March 22, 2012, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the parties to prosecute the appeals and cross appeals upon 9 copies of one record and one set each of points covering the appeals and cross appeals and enlarging the time in which to perfect the consolidated appeals to the September 2012 Term in accordance with the aforesaid stipulation of the parties.

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 May 24, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
In the Matter of

Halimah P.,
Sumaiyah P.,
Anwaar F.,
and Hamzah P.,

M-1584
Docket Nos. NN375-08/11B
NN19785-10/11A
NN19786-10/11A
NN33684-10/11A

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

Administration for Children's
Services,
Petitioner-Respondent,

Tashara M. F.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child
Halimah P.,

Stephanie Rancer, Esq.,
Attorney for the Child
Sumaiyah P.,

Holden Thirnhill, Esq.,
Attorney for the Children
Hamzah P. and Anwaar F.
-----X

An order of this Court having been entered on September 29, 2011 (M-2360), granting respondent-appellant mother leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 6, 2011,

And counsel for respondent-appellant mother having moved to withdraw the aforesaid appeal as having been rendered moot by a subsequent order of Family Court, New York County, entered on or about November 2, 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 deemed withdrawn; the order of this Court entered on September 29, 2011 (M-2360) is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

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

-against-

M-1543
Ind. No. 5654/09

Gerardo Sanchez,
Defendant-Appellant.
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 18, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 May 24, 2012.

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

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

-against-

M-1700
Ind. No. 1054/09

Nathan Perry,
Defendant-Appellant.

-----X

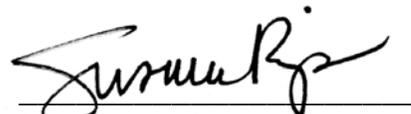
An order of this Court having been entered on December 28, 2010 (M-5558), *inter alia*, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 20, 2010, under Indictment No. 1054/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of **resentence** of the same Court, rendered on or about March 19, 2012, under the captioned indictment number,

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 the judgment of **resentence** of the same Court, rendered on or about March 19, 2012 under the captioned indictment number, 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 May 24, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Lillian A.,
Petitioner-Respondent,

M-2016
Docket No. U-20099/09

Juan V.,
Respondent-Appellant.

Jessica Cuadrado, Esq.,
Attorney for the Children.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 15, 2012, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10017, Telephone No. (212) 233-0318, 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 therefor¹ **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

¹Service 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 May 24, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Melissa H., M-1852
Petitioner-Respondent, Docket No. O-26217/11

-against-

Shameer S.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of protection of the Family Court, Bronx County, entered on or about November 1, 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, Andrew Baer, Esq., 299 Broadway Suite 1415, New York, NY 10007, Telephone No. (212)233-0318, 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 therefor¹ **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**

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 May 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Ceawanya W.,
Dontaya W., and
Kenneth S.,

Children Alleged to be abused and/or
Neglected Under Article 10 of the
Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-2143
Docket Nos. NA-16873/09
NA-16874/09
NA-16875/09

Preston B.,
Respondent-Appellant.

Randall Carmel, Esq.,
Attorney for the Child
Ceawanya W.,

Andrew Baer, Esq.,
Attorney for the Child
Dontaya W.,

Steven N. Feinman, Esq.,
Attorney for the Child
Kenneth S.

-----X

Counsel for petitioner-respondent child Dontaya W.,
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 April 12, 2011, and for assignment of counsel, a free
copy of the transcript, and for related relief, and said appeal
having been perfected,

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, Andrew Baer, Esq., 299 Broadway, New York, New York 10007, Telephone No. (212)233-0318, 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 respondent-appellant and 8 copies thereof are filed with this Court. Appellant is granted leave to file a supplemental reply brief addressing respondent's brief on or before September 16, 2012 for the October 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 May 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Jaden Christopher W.-McC.

An Application for the Guardianship and Custody of a Child Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Jewish Child Care Association of New York,
Petitioner-Respondent,

M-1770
Docket No. B-15459/10

Michael L. McC., also known as
Michael McC.,
Respondent-Appellant.

- - - - -
Andrew Baer, Esq.,
Attorney for the Child.

-----X

Subject child Jaden Christopher W.-McC. 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 October 13, 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, Andrew Baer, Esq., 299 Broadway Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, 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. Sua sponte, the appeal is adjourned to the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of
The State of New York,
Petitioner-Respondent,

M-1855
Index No. 30051/09

For Civil Management Under Article 10
of the Mental Hygiene Law,

-against-

John S.,
Respondent-Appellant.

-----X

Respondent-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 4, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 1, 2012 for the December 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Kayla James, etc., et al.,
Plaintiffs-Appellants,

-against-

M-1039

Index No. 16954/02

Loran Realty V Corp.,
Defendant,

Frank Palazzolo, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2011 (Appeal No. 4739),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by the this Court, properly made?"

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

-----X
Stella Asante, et al.,
Plaintiffs-Respondents,

-against-

M-1615
Index No. 6779/07

JPMorgan Chase & Co., et al.,
Defendants-Respondents-Appellants,

United Building Maintenance,
Defendant-Appellant-Respondent.
-----X

Plaintiffs-respondents having moved for an order "granting an extension of time to take an appeal or move for permission to appeal" to the Court of Appeals from the decision and order of this Court entered on March 1, 2012 (Appeal No. 6952), 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 May 24, 2012.

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

-----X
Lester Gonzalez,
Plaintiff-Appellant,

-against-

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

George Alvarez, et al.,
Defendants.

M-957
Index No. 102659/08

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 31, 2012 (Appeal No. 6660),

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 May 24, 2012.

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

-----X
Stephen Kempisty,

Plaintiff-Appellant,

-against-

246 Spring Street, LLC, et al.,

Defendants-Respondents.
-----X

M-1379
M-1380
Index No. 107465/07

Defendants-respondents having moved by separate motions for reargument of (M-1379) or, in the alternative, for leave to appeal to the Court of Appeals (M-1380) from the decision and order of this Court entered on February 9, 2012 (Appeal No. 6664),

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

It is ordered that the motions are 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 May 24, 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,

-against-

M-1718
Ind. No. 4458/08

Auguste Rockerfeller, also known as
Rockefeller Auguste,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 28, 2011 (M-1978), denying defendant's motion for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County (Bruce Allen, J.), rendered on October 5, 2009, to prosecute said appeal as a poor person, and for related relief,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of 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 application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

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

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

-against-

M-1513
Ind. No. 5459N/10

Joelvi Canela,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 8, 2011, and said appeal having been perfected,

And respondent having moved for dismissal 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 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 May 24, 2012.

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

-----X
Cornelius Williams,
Plaintiff-Appellant,

-against-

M-1523
Index No. 7926/01

Panop Cab Corp. and Sylla
Aboubakar,
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 June 2, 2011, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1711
Ind. No. 1433/06

Mary Foer, also known as Kathy Foer,
Defendant-Appellant.

-----X

Defendant having renewed her 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 March 30, 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, 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

CORRECTED ORDER JUNE 25, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Adam Mike M. and John Paul M.,

Dependent Children Under 18 Years of
Age Pursuant to §384-b of the Social
Services Law of the State of New York.

M-2058
Docket Nos. B25692/09
B25693/09

- - - - -
Leake and Watts Services, Inc.,
et al.,
Petitioners-Respondents,

Jeffrey M.,
Respondent-Appellant.

- - - - -
Mina MacFarlane, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 16, 2012, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal;

May 24, 2012

(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 therefor¹ 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

¹Service 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 May 24, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against- **M-1692**
Ind. No. 944/09

Keith Fagan,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2010 (M-4239) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 6, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

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 May 24, 2012.

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

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

-against-

M-1339
Ind. No. 7581/99

Sherman Adams,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2003, and from the judgment of **resentence** of said Court rendered on or about August 2, 2007, respectively,

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 consolidated appeals to the October 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Aidan Doorley,
Petitioner-Appellant,

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

-against-

M-1824
Index No. 114925/10

Raymond Kelly, as Police Commissioner
of the City of New York, and as
Chairman of the Board of Trustees of
the Police Pension Fund, Article II
and the Board of Trustees of the
Police Pension Fund, Article II,
New York City Police Department,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about June 10, 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 November 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Juan Vargas,
Plaintiff-Respondent-Respondent,

-against-

Peter Scalamandre & Sons, Inc.
Defendant-Respondent-Appellant,

RAD & D'Aprile Construction Corp,
Defendant-Appellant-Respondent,

M-1687
M-1765
Index No. 302608/08

Ferrara Bros. Building Materials Corp., Total Safety Consulting, L.L.C., AB Green Gansevoort, LLC, Interstate Industrial, Inc. and Interstate Industrial Corp.,
Defendants.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 1, 2011,

And defendant-appellant RAD & Aprile Construction Corp. having moved for an enlargement of time in which to perfect their appeal from the aforesaid order (M-1687),

And defendant-respondent Peter Scalamandre & Sons, Inc. having cross-moved for an enlargement of time in which to perfect their cross appeal from the aforesaid order (M-1765),

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 motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the November 2012 Term (M-1687/M-1765).

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 May 24, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Estate of M-2041
Lucille Dewell, M-2042
Deceased. Surrogate's Court
File No. 3666/08

-----X

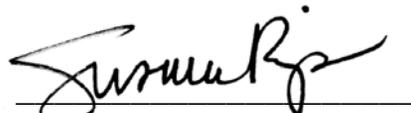
Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Surrogate's Court, New York County, entered on or about December 7, 2010 (M-2014),

And petitioner-appellant having moved, by separate notice of motion, for an enlargement of time in which to perfect the appeal from an order of the same Court and Surrogate entered on or about July 18, 2011 (M-2042),

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 appeals, which are, sua sponte, consolidated, to the October 2012 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

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 May 24, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Tribeca Lending Corporation,
Plaintiff-Respondent,

-against-

M-1618
Index No. 105275/07

Gregory Bartlett,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on May 10, 2011 (Appeal No. 5004),

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 May 24, 2012.

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

-----X
Judy Herschorn,

Plaintiff-Respondent-Appellant,

-against-

M-1227
Index No. 350528/06

Brian Herschorn,

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

Defendant-appellant-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 February 14, 2012 (Appeal Nos. 6279 and 6280),

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 May 24, 2012.

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

-----X

Lance International, Inc.,
Plaintiff-Respondent,

-against-

M-1505
Index No. 570717/09

First National City Bank,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 21, 2011 (Appeal No. 5041),

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 May 24, 2012.

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

-----X
In the Matter of the Application of
Patricia James,
Petitioner-Appellant,

For an order, etc.,

M-1841
Index No. 402207/11

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An order of this Court having been entered on April 10, 2012 (M-1123), denying respondent-respondent's motion for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about November 28, 2011, with leave to renew, as indicated,

And respondent-respondent having renewed the motion to dismiss 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 to dismiss the appeal is granted unless the appeal is perfected for the October 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1715

Ind. No. 948/10

Nelson Almeyda,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 25, 2011 (M-2839), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2011,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Sandy DelRosario,

Plaintiff-Appellant,

-against-

M-1566
Index No. 303940/08

United Nations Federal Credit
Union, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 20, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Norman Horowitz,

Petitioner-Appellant,

M-2070
Index No. 110216/10

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

-against-

New York City Civil Service
Commission,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect an appeal from a judgment of the Supreme Court, New York County, entered on or about June 9, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam,
Nelson S. Román, Justices.

-----X
Franklin Oleh, Sr., etc.,

Plaintiff-Respondent,

-against-

M-1644
Index No. 350130/09

Anlovi Corporation and the Estate of
Anthony Viaer as Sole Shareholder of
Anlovi Corporation,

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, entered on or about June 1, 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 November 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Rebar Lathing Corp., Individually
and on behalf of all other Lienors,
Claimants or Creditors for work
and/or materials due and owing in
connection with construction and
improvement of certain real property
described herein,
Plaintiff-Respondent,

-against-

M-1679
Index No. 116502/10

M.D.-Carlisle Construction Corp.
and 835 6th Avenue Master LP,
Defendants-Appellants,

-and-

Century Maxim Construction Corp.,
et al.,
Defendants.

-----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, entered on or about July 13, 2011,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-2130
Case No. 76038C/09

Christopher Morales,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 5, 2011,

And defendant-appellant having moved for an order continuing the stay of execution of sentence, granted by the order of a Justice of this Court dated January 9, 2012 pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted to the extent of continuing the aforesaid stay of execution of sentence dated January 9, 2012, on the same terms and conditions, on the further condition defendant perfects the appeal on or before August 6, 2012 for the October 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1688
Ind. No. 1794/07

Larnell Hughes,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 9, 2010 (Appeal No. 3344), unanimously affirming a judgment of the Supreme Court, New York County (James A. Yates, J.), rendered on June 26, 2008,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-
Melvin Santana,

M-1493
Docket No. 2002BX029268

Defendant.
-----X

A judgment of the Criminal Court, Bronx County, having been rendered on September 27, 2002, under Docket No. 2002BX029268,

And defendant having moved for relief in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of trial counsel, and for an enlargement of time in which to file a notice of 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 transferred to Appellate Term, First Judicial Department, for hearing and disposition.

ENTER:



CLERK

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

Respondent

M-1727
Ind. No. 832/03

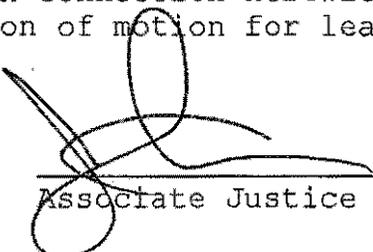
-against-

Joseph McNeil a/k/a Steven McNeil,

Defendant.
-----X

Defendant, pro se, moves pursuant to CPL 460.30 subd. 1 for an enlargement of time in which to seek a certificate granting leave to appeal to the Appellate Division pursuant to CPL 460.15 and CPL 450.15 subd. 1 with respect to the order of the Supreme Court, New York County, dated November 30, 2011, which denied defendant's application pursuant to CPL 440.10 to vacate a judgment rendered by said Court, and to proceed as a poor person.

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is ordered that defendant's time in which to seek a certificate granting leave to appeal to this Court is enlarged to on or before September 4, 2012. That part of defendant's motion requesting poor person's relief in connection herewith, is denied with leave to renew upon submission of motion for leave to appeal.



Associate Justice

Dated: May 7, 2012
New York, New York

ENTERED:

MAY 24 2012

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

Respondent

-against-

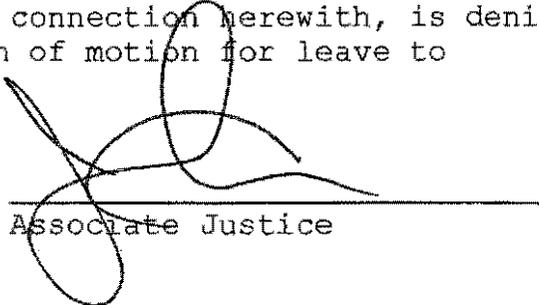
M-1807
Ind. No. 2711/91
8553/91
4328/91

William Francisco a/k/a Vladimir Pena a/k/a
Bladymir Pena a/k/a Esmeraldo Ciriaco

Defendant.
-----X

Defendant, pro se, moves pursuant to CPL 460.30 subd. 1 for an enlargement of time in which to seek a certificate granting leave to appeal to the Appellate Division pursuant to CPL 460.15 and CPL 450.15 subd. 1 with respect to the orders of the Supreme Court, New York County, dated April 12, 2011, which denied defendant's application pursuant to CPL 440.10 to vacate a judgment rendered by said Court, and to proceed as a poor person.

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is ordered that defendant's time in which to seek a certificate granting leave to appeal to this Court is enlarged to on or before September 4, 2012. That part of defendant's motion requesting poor person's relief in connection herewith, is denied with leave to renew upon submission of motion for leave to appeal.



Associate Justice

Dated: May 7, 2012
New York, New York

ENTERED: **MAY 24 2012**

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

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

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

M-2123
Ind. No. 8213/99

-against-

CERTIFICATE
DENYING LEAVE

Anthony Woods, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 15, 2011, is hereby denied.

Dated: New York, New York
May 10, 2012



ENTERED MAY 24 2012

Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-2202
Ind. No. 2443/2008

-against-

CERTIFICATE
DENYING LEAVE

Gilbert O. Cameron,

Defendant.
-----X

I, Nelson S. Román, 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, rendered on or about November 28, 2011 is hereby denied.


Associate Justice

Dated: *as 16/12*
New York, New York

ENTERED: **MAY 24 2012**

PM ORDERS
ENTERED ON
MAY 22, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

-----X

Inez Simens, Individually and as a
Membership Unit Owner of IJS Properties,
LLC, etc., et al.,
Plaintiffs-Respondents,

-against-

M-2177

Index No. 105097/09

Charles Darwish, Individually and as a
Managing Unit Owner of Hamilton 65th
Partners, LLC, etc.,
Defendant-Appellant,

United States Capital Investment Company,
Inc., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 26, 2012 (mot. seq. no. 012), inter alia, holding defendant-appellant Darwish in criminal contempt and issuing a warrant of commitment, etc.,

And defendant-appellant having moved, inter alia, to stay enforcement of the aforesaid order pending hearing and determination of the appeal,

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

Ordered that the motion is granted to the extent of staying, pending hearing and determination of the appeal, enforcement of so much of the aforesaid order of the Supreme Court, New York County, entered on or about April 26, 2012,

as directed defendant-appellant Darwish's forthwith incarceration, on condition defendant-appellant complies in all respects with all extant orders of the Supreme Court, New York County, issued in this matter regarding the appointment of temporary receiver including those dated March 22, 2010, May 13, 2010, July 8, 2010, November 15, 2010 and January 11, 2011, and on further condition that defendant-appellant perfects the appeal on or before July 9, 2012 for the September 2012 Term, with no enlargements to be granted. Upon failure to so perfect, or fulfill either of the aforesaid conditions, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents serve a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MAY 24, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 24, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Diana Echevarria,
Plaintiff-Respondent,

-against-

M-2118
Index No. 105122/08

Motor Vehicle Accident Indemnification
Corporation and Jermaine McGraw,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2012,

And defendants-appellants having moved to stay the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK