

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 October 11, 2012.

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

-----X

Men Women N.Y. Model Management Inc.,

Plaintiff-Appellant,

-against-

M-3630X

Index No. 601144/10

Ford Models, Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 17, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 11, 2012.

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

-----X
Classic New York Realty 2009, LLC,

Plaintiff-Appellant,

-against-

Aimco 240 West 73rd Street, LLC,
et al.,

M-3640X
Index No. 650502/10

Defendants-Respondents.
-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 9, 2012 (mot. seq. nos. 009-011), and from the judgment of said Court, entered on or about February 29, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 25, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 October 11, 2012.

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

-----X

Puka Capital Funding, LLC,

Plaintiff-Respondent,

-against-

L & N Twins Place, LLC,

Defendant-Respondent.

-----X

M-3716X
Index No. 307611/11

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about April 4, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 9, 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 October 11, 2012.

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

-----X
Kenneth Whelan,
Plaintiff-Respondent,

-against-

M-4042X
Index No. 115035/07

The City of New York, Easy Street
Plumbing, Inc. and Alex Figlialia,
Defendants-Appellants.

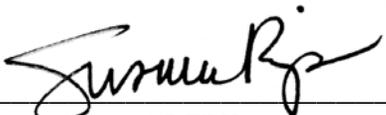
-----X
(And a third-party action)
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 5, 2011 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 4, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
New Millenium Capital Partners III,
LLC, et al.,
Plaintiffs-Appellants-Respondents,

M-3879X
Index No. 600893/10

-against-

Systems Evolution, Inc.,
Defendant-Respondent-Appellant.

-----X
Systems Evolution, Inc.,
Counterclaim/Third-Party Plaintiff-
Respondent-Appellant,

-against-

New Millenium Capital Partners III,
LLC, et al.,
Counterclaim/Defendants-Appellants-
Respondents,

-and-

Corey Ribotsky and N.I.R. Group, LLC,
Third-Party Defendants-Respondents-
Appellants,

-and-

Steven Humphries, et al.,
Third-Party Defendants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto, "so ordered" August 22, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
M.A. Angeliades, Inc.,
Plaintiff-Respondent,

-against-

M-3898
Index No. 650325/09

PMS Construction Management Corp.,
Defendant-Appellant,

-and-

New York City Housing Authority,
Defendant.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about May 3, 2010 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated August 20, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 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 October 11, 2012.

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

-----X
Ganesh Singh,
Plaintiff-Respondent,

-against-

BE Bronx Builders, LLC, RYTY
Construction & Development, LLC,
RYTY Construction Co., LLC and
RYTY Home Builders, LLC,
Defendants-Appellants-Respondents,

M-4014
Index No. 309068/09

-and-

L & E 89 Construction, Inc.,
Defendant-Respondent-Appellant,

-and-

Pilato Brothers Plumbing & Heating
Co., Inc. and Albano Plumbing &
Heating, Inc.,
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 8, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated August 23, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the May 2012 Term, 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 October 11, 2012.

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

-----X

Adrian Bailey,
Plaintiff-Respondent,

-against-

Disney Worldwide Shared Services
and George Tsypin,
Defendants-Respondents,

M-4028
Index No. 113072/08

-and-

Showman Fabricators, Inc.,
Defendant-Appellant,

-and-

Niscon, Inc., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 15, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 30, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 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 October 11, 2012.

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

-----X
Silas Martinez and Anna Martinez,
Plaintiffs-Respondents,

-against-

M-3718X
Index No. 103142/08

835 Avenue of the Americas, L.P.,
Defendant,

-and-

Metropolitan Transportation Authority,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 11, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 9, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 11, 2012.

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

-----X

Michael An,

Plaintiff-Appellant,

-against-

Korey N. Fudge,

Defendant-Respondent.

-----X

M-3903

Index No. 113756/08

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 5, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed August 20, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 11, 2012.

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

-----X

Han Soo Lee, et al.,
Plaintiffs-Respondents,

-against-

M-4069
Index No. 113585/03

Riverhead Bay Motors, et al.,
Defendants.

- - - - -

Edward H. Suh and Associates, P.C.,
Non-Party Appellant,

Kenneth Wilhelm,
Non-Party Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2011 (mot. seq. no. 010),

And non-party appellant having moved for having moved for an enlargement of time to perfect the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 14, 2012, 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 February 2013 Term, and deeming cross appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

PRESENT: - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3890
Ind. No. 4094/08

Nelson Flores,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 26, 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 as 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.

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 October 11, 2012.

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

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

-against-

M-3900
Ind. No. 7454/01

Maurice McCollough,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 10, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules with 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 October 11, 2012.

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

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

-against-

M-3904
Ind. No. 828/12

John Okeefe,
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 July 11, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 October 11, 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-3905
Ind. No. 4282/11

Joseph Rivera,
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 July 25, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

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 October 11, 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-3906
Ind. No. 1232/09

Michael Rutledge,
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 7, 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, 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 October 11, 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-3908
Ind. No. 3687N/05

Carlos Duran De La Rosa,
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 February 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

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

-against-

M-3909
Ind. No. 3065/11

Keon D. Smith,
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 July 26, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

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 October 11, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3725
Ind. No. 1024/09

Keon Daisley,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2012, 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 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 reproduced 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 October 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3513
Ind. No. 1798/10

Paul Bright,
Defendant-Appellant.

-----X

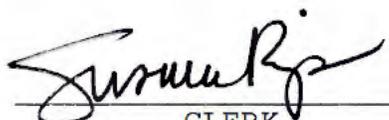
An order of this Court having been entered on June 2, 2011 (M-1659) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2010,

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 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 October 11, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3488
Ind. No. 1570/10

Joseph Roman, also known as Joseph
Jae Roman,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 17, 2012, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, David Goldstein, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 October 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3781

Ind. No. 1070/11

Rumaldo De La Cruz,
Defendant-Appellant.

-----X

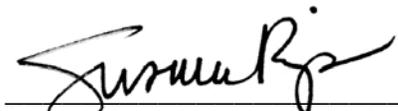
An appeal having been taken to this Court by defendant from a judgment of the Supreme Court, New York County, rendered on or about January 3, 2012,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of 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 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 \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 October 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3641
Ind. No. 49/07

Miguel E. Joaquin,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 21, 2010,

And defendant having moved for an enlargement of time to perfect 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 enlarging the time to perfect the appeal to the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3649
Ind. No. 4526/09

Robert Mangieri,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 24, 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 February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In the Matter of the Application of
Kenneth V. Kosar,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4038
Index No. 401519/11

-against-

The New York State Department of
Motor Vehicles Appeals Board, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 3, 2011, to review a determination of respondent,

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 to perfect the proceeding to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Jessica Marie C.,

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

Docket No. B45155/10

Administration for Children's Services, and the Commissioner of Social Services of the City of New York, et al.,
Petitioners-Respondents,

Anthony H.,
Respondent-Appellant.

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

-----X

M-3258

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

Anthony H.,
Petitioner-Appellant,

Docket No. V52398/11

-against-

Administration for Children's Services, the Commissioner of Social Services of the City of New York, and Edwin Gould Services for Children and Families
Respondents-Respondents.

-----X

Respondent/petitioner-appellant father, Anthony H., having moved for leave to appeal, as a poor person, from the order of the Family Court, New York County, entered on or about May 21, 2012 (under Docket Nos. B45155/10 and V42398/11), 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, Kenneth Walsh, Esq., 1133 Broadway Suite 708, New York, NY 10010, Telephone No. (212) 330-7628, 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) directing appellant to perfect this appeal **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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Nathaniel W.,

M-3262

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D51705/11

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about June 6, 2012, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Aleza Ross, Esq., 320 Carleton Avenue, Central Islip, NY 11722, Telephone No. (631) 361-6900, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;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 Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant 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 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 October 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application for
the Custodian and Guardianship of

Dina Loraine P., and
Lidia Yolaine P.,

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

M-3308

Docket Nos. B-1152/10
B-1153/10

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Ana Lidia C.,
Respondent-Appellant.

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

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from final Orders of Disposition of the Family Court, Bronx County, both entered on or about April 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, 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 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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Lynik Jomae E., Jr.,

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

M-3316
Docket No. B51740/09

Harlem Dowling-Westside Center for Children and Family Services, et al.,
Petitioners-Respondents,

Lynik Jomae E.,
Respondent-Appellant.

Stephanie Rancer, Esq.,
Attorney for the Child.

-----X

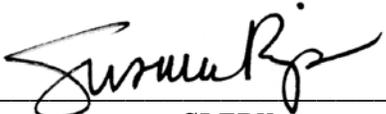
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 7, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the 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 October 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Lakshmi G.,

A Child Under 18 Years of Age Alleged
to be Neglected Under Pursuant to
Article 10 of the Family Court Act.

M-3328

Docket No. NN-22330/11

Administration for Children's Services,
Petitioner-Respondent,

Jose V.,
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 Fact-Finding of the Family Court, Bronx County, entered on or about March 5, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. 347-645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the 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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Shawn Michael N.,
"Baby Boy" T., also known as
Michael T., also known as Michael N.,
Troy Damian N., and Damien T.,

M-3334

Docket Nos. B11809/11
B11810/11
B11811/11
B11812/11

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

- - - - -
Edwin Gould Services,
Petitioner-Respondent,

Shawn N.,
Respondent-Appellant.

- - - - -
Jessica Brown, 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 May 2, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 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 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 October 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Jaelyn V. L. G.,

A Child Alleged to be Neglected and/or
Abandoned Pursuant to §384-b of the Social
Services Law of the State of New York
and/or Article 6 of the Family Court Act.

McMahon Services for Children, a Program
of Good Shepherd Services, et al.,
Petitioners-Respondents,

M-3331
Docket No. B-34508/10

Christopher G.,
Respondent-Appellant.

Kenneth Walsh, Esq.,
Attorney for the Child.

-----X
Elizabeth Posse, Esq., assigned counsel for respondent-appellant in Family Court having moved, on respondent's behalf, for leave to prosecute, as a poor person, the appeal from Findings of Fact, Conclusions of Law and Order of the Family Court, Bronx County, entered on or about April 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.** (See M-3603, decided simultaneously herewith.)

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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Jaelyn V. L. G.,

A Child Alleged to be Neglected and/or
Abandoned Pursuant to §384-b of the Social
Services Law of the State of New York
and/or Article 6 of the Family Court Act.

McMahon Services for Children, a Program
of Good Shepherd Services, et al.,
Petitioners-Respondents,

M-3603
Docket No. B-34508/10

Christopher G.,
Respondent-Appellant.

Kenneth Walsh, Esq.,
Attorney for the Child.

-----X
Janette Cortes-Gomez, Esq., Family Court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from Findings of Fact, Conclusions of Law and Order of the Family Court, Bronx County, entered on or about April 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, Kenneth Walsh, Esq., 1133 Broadway, Suite 708, New York, NY 10010, Telephone No. 212-330-7628, 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. (See M-3331, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Fayonna C., also known as Fay J.,
Petitioner-Respondent,

M-4172
Docket Nos. O-7403/10
V-11025/10
V-14421/10

-against-

Christopher T.,
Respondent-Appellant.

-----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 June 17, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, 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. Sua sponte, the appeal is adjourned to the January 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----x

Manuel Mayo, et al.,
Plaintiffs-Respondents,

-against-

Index No. 115545/08

Metropolitan Opera Association, Inc.,
et al.,
Defendants-Appellants-Respondents.

- - - - -

Metropolitan Opera Association, Inc.,
Third-Party Plaintiff-Appellant-
Respondent,

M-4007

-against-

Strauss Painting, Inc., et al.,
Third-Party Defendants-Respondents-
Appellants,

Index No. 590119/09

-and-

Nova Casualty Company,
Third-Party Defendant-Respondent.

-----x

An appeal and cross appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 4, 2011 (mot. seq. nos. 006-011, 013),

And defendant/third-party plaintiff-appellant-respondent Metropolitan Opera Association, Inc. having moved for an enlargement of time to perfect the direct 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 enlarging the time to perfect the appeal and cross appeals to the January 2013 Term. The attention of the parties is directed to Rule 600.11(d) of this Rules of this Court with respect to a joint record and costs thereof.

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 October 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4185
Index No. 401776/11

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-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 November 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 to perfect the appeal to on or before December 3, 2012 for the February 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

Red Zone LLC,

Plaintiff-Appellant,

-against-

M-3965

Index No. 650318/11

Cadwalader, Wickersham & Taft LLP,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 16, 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 March 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----x

Theodore Bohn,
Plaintiff-Respondent/Appellant,

-against-

176 W. 87th St. Owners Corp.,
Defendant-Appellant,

Steinhardt Management, Inc.,
Defendant-Appellant,

M-4020
Index No. 102357/11

Seth Friedland, Esq., et al.,
Defendant/Appellant,

Richard Feldman, Esq., et al.,
Defendants-Appellants.

- - - - -
Robert I. Cantor, Esq.,
Non-Party Respondent.

-----x

An appeal having been taken to this Court by defendant 176 W. 87th St. Owners Corp. from the order of the Supreme Court, New York County, entered on or about April 17, 2012 (mot. seq. no. 006); and an appeal having been taken to this Court by defendant Richard Feldman, Esq., et al. from the order of said Court entered on or about April 18, 2012 (mot. seq. no. 008), and said appeals having been jointly perfected upon a single record and set of appellants' points (Cal. No. 1285),

And a separate appeal having been taken to this Court by defendant Steinhardt Management, Inc. from the order of said Court entered on or about April 18, 2012 (mot. seq. no. 008), and said appeal having been separately perfected (Cal. No. 1607),

And a separate appeal having been taken to this Court by Seth Friedland, Esq., et al. from the order of said Court entered on or about April 18, 2012 (mot. seq. no. 008),

And plaintiff having taken separate appeals from orders of said Court entered on or about April 17, 2012 (mot. seq. no. 005) and May 16, 2012 (mot. seq. no. 011), respectively,

And plaintiff Theodore Bohn having moved for consolidation of all of the aforesaid appeals, 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 consolidating plaintiffs's appeals from the orders entered on or about April 17, 2012 and May 16, 2012 and permitting plaintiff to perfect same upon 9 copies of a single record and set of appellants' points on or before November 5, 2012 for the January 2013 Term, to which the perfected appeals from the orders entered on or about April 17, 2012 and April 18, 2012 (Cal. Nos. 1284/1607) are adjourned. The Clerk is directed to calendar all appeals for hearing together in said Term, if so perfected, 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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Hope Elizabeth Hodson,
Plaintiff-Respondent,

-against-

M-3587
Index No. 104317/07

Vinnie's Farm Market, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 30, 2009,

And plaintiff-respondent having moved to dismiss the aforesaid appeal on the grounds that, inter alia, the appellant's brief and record are defective or, in the alternative, to compel defendants to file a complete and proper record and brief; and to stay the aforesaid appeal pending determination of this motion,

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 adjourning the appeal to the February 2013 Term and directing defendants-appellants to serve an additional copy of the record on appeal in an electronic searchable PDF format on counsel for plaintiff-respondent, granting plaintiff leave to supplement the record on appeal to include Exhibits from the April 7, 2009 motion, and the minutes and Exhibits from the July 24, 2009 inquest, at plaintiff's own expense, if so advised, and otherwise denied, without prejudice to arguments raised by plaintiff-respondent on the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Rhonda Perez,

Plaintiff-Respondent,

-against-

M-2996
Index No. 5140/08

John Nevarez,

Defendant-Appellant.

-----X

Defendant-appellant 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 No. 6821N),

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 October 11, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Dong Wo Liang,
Plaintiff-Respondent,

-against-

M-4051
Index. No. 305682/08

Bi Qing Quan,
Defendant-Appellant.

-----X

Defendant-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 February 7, 2012, 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 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 serve 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. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant pro se or appellant's counsel, if any, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. 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 October 11, 2012.

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

-----X
In the Matter of a Proceeding for
Support Under Article 5B of the
Family Court Act.

- - - - -
Idelfonso M.,
Petitioner-Appellant,

-against- M-4000
Docket No. U13912-98/11

Nannette H.,
Respondent-Respondent.

-----X

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about February 24, 2012, 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 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 serve one copy of such brief upon the attorney for respondent and file 10 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. The motion, to the extent it seeks the assignment of counsel, 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 October 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3850
Ind. No. 7602/96

Alvin Arnold,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Rena K. Uviller, J.), entered on or about July 11, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3862
Ind. No. 2309/01

Jose Martinez Baxin,
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 (Farber, J.), entered on or about August 14, 2012, 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 Farber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3912
Ind. No. 1170/11

Kristi Stickey, also known as Kristi
Stickney,

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 February 29, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 October 11, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3803
Ind. No. 4891/11

Jonathan Javier,

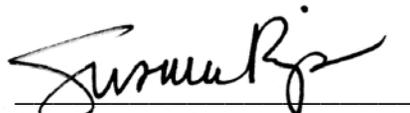
Defendant-Appellant.
-----X

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 July 10, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, F. Maniero, Esq., and to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this 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 October 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Rosabel Oquendo,
Plaintiff-Appellant,

-against-

M-3939
Index No. 24564/05

The City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 7, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----x

Barbara Casey, as Administratrix of
the Goods, Chattels and Credits which
were of Kiernan Casey, deceased,
Plaintiff-Respondent,

-against-

M-3924
Index No. 116522/08

New York Elevator & Electrical
Corporation
Defendant-Appellant,

-and-

Winoker Realty Co., Inc.,
Defendant-Appellant.

New York Elevator & Electrical
Corporation,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590311/10

Broadway 36th Realty, LLC,
Third-Party Defendant.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 23, 2012 (mot. seq. nos. 004, 005, 006),

And defendant-appellant New York Elevator & Electrical Corporation having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeals, 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

CORRECTED ORDER – October 11, 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 October 11, 2012.

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

-----X

Lula Harris,
Plaintiff-Appellant,

M-4202

M-4204

-against-

Index No. 90498/06

Dr. Jay Fensterstock and Dr. Christopher
Cho,
Defendants-Respondents.

-----X

An appeal having been taken to the Appellate Term, Supreme Court, New York County, from an order of the Civil Court, Bronx County, entered on or about June 8, 2011,

And defendant-respondent, Dr. Jay Fensterstock, having moved for an order dismissing the aforesaid appeal (M-4202),

And defendant-respondent, Dr. Christopher Cho, having cross-moved for the same relief (M-4204),

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 and cross motion are hereby transferred to the Appellate Term, Supreme Court, First Department, for disposition.

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 October 11, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Judicial Settlement of the First and Final Account of Proceedings of Jeffrey Scott Lasdon, as Co-Trustee and Preliminary Executor of the Estate of Gene S. Lasdon, deceased Co-Trustee, of the Trust Created for the Benefit of Michael B. Abrams Under Article FIFTH of the Last Will and Testament of

M-3050
M-3051
M-3569
Surrogate's Court
File No. 703/93

Stanley S. Lasdon,
Deceased.

-----X

In the Matter of the Judicial Settlement of the First and Final Account of Proceedings of Jeffrey Scott Lasdon, as Co-Trustee and Preliminary Executor of the Estate of Gene S. Lasdon, deceased Co-Trustee, of the Trust Created for the Benefit of Daniel A. Abrams Under Article FIFTH of the Last Will and Testament of

Stanley S. Ladson,
Deceased.

Jeffrey Ladson,
Petitioner-Appellant-Respondent,

Michael B. Abrams and Daniel A. Abrams,
Objectants-Respondents-Appellants,

-----X

(And other actions)

Appeals having been taken by petitioner-appellant-respondent, Jeffrey Ladson, from the order of the Surrogate's Court, New York County, entered on or about February 10, 2011, and from the Final Decrees of said Court entered on or about June 8, 2012,

And a cross appeal having been taken by objectants-respondents-appellants, Daniel A. Abrams and Michael B. Abrams, from the order of said Court entered on or about February 10, 2011,

And a cross appeal having been taken by objectant-respondent-appellant, Daniel A. Abrams, from the aforesaid Final Decree of said Court entered on or about June 8, 2012 (File No. 703/93A),

And a cross appeal having been taken by objectant-respondent-appellant, Michael B. Abrams, from the aforesaid Final Decree of said Court entered on or about June 8, 2012 (File No. 703/93B),

And petitioner-appellant-respondent, Jeffrey Ladson, having moved by separate motions for consolidation of all of his appeals and the cross appeal from the order entered on or about February 10, 2011 (M-3050/M-3051),

And objectants-respondents-appellants, Daniel A. Abrams and Michael B. Abrams, having moved for leave to prosecute their cross appeals on a combined record or appendix, and combined sets of briefs, along with the Lasdon appeals (M-3569),

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

It is ordered that petitioner-appellant-respondent's motions (M-3050 and M-3051) are granted to the extent of consolidating petitioner-appellant-respondent Ladson's appeals from the aforesaid final decree entered June 8, 2011, and otherwise denied, as academic the order entered on or about February 10, 2011, being a non-final order brought up for review on the appeals and cross appeals from the aforesaid decrees entered on or about June 8, 2012, and it is further

Ordered that objectants-respondents-appellants, Daniel A. Abrams' and Michael B. Abrams' motion (M-3569) is granted accordingly to the extent of consolidating their cross appeals from both decrees entered on or about June 8, 2012 (File Nos. 703/93A and B), directing petitioner-appellant-respondent, Jeffrey Ladson, to perfect his appeals on a single set of briefs and record, on or before December 31, 2012 for the March 2013 Term, and directing the objectants-respondents-appellants to perfect their respective cross-appeals from the same decrees on a single set of briefs, for said March 2013 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 October 11, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Walter S. McNaughton,
Plaintiff-Appellant,

-against-

M-4203
Index No. 251040/11

RY Management,
Defendant-Respondent,

NYCHA,
Defendant.

-----X

Plaintiff-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from order of the Supreme Court, Bronx County, entered on or about March 12, 2012, 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 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 October 11, 2012.

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

-----X
Jane Doe, a Pseudonym, etc.,
Plaintiff-Appellant,

-against-

M-3988
Index No. 1088647/07

Brian A. Goldweber, MD, et al.,
Defendants,

-and-

Somerset Surgical Associates,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 15, 2011 (mot. seq. nos. 001, 002, 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 to perfect the appeal to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
JFK Holding Company LLC, et al.,
Plaintiffs-Appellants,

-against-

City of New York, et al.,
Defendants,

M-3596
Index No. 114577/09

The Salvation Army,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order entered on July 3, 2012 (Appeal No. 6756), and in the event leave is granted, for a stay of proceedings pending disposition of the appeal by the Court of 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, to the extent it seeks reargument, is denied. The motion, to the extent they seek leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the judgment of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. It is further ordered that the motion, to the extent it seeks a stay of proceedings, is granted pending disposition of the appeal by the Court of 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 October 11, 2012.

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

-----X

Michael V. Stallone, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Plaza Construction Corp., et al.,
Defendants-Respondents,

M-2858
Index No. 105940/08

Abington Properties,
Defendant,

Livingston Electrical Associates, Inc.,
Defendant-Respondent-Appellant.

-----X

Defendants-respondents Plaza Construction Corp. and 17th and 10th Associates LLC 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 May 17, 2012 (Appeal Nos. 7063-7064),

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 October 11, 2012.

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

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

-against-

M-4054
Ind. No. 5482/02

Jamal Wilson,
Defendant-Appellant.

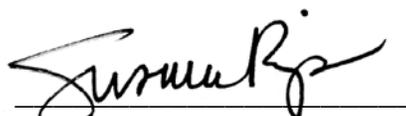
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 20, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 31, 2012 for the March 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
William Carroll, Individually, and
derivatively on behalf of The
Charles House Condominium,
Plaintiff-Appellant,

-against-

Mahir Radoniqi, et al.,
Defendants-Respondents.

M-3978
Index No. 110757/10

-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011 (mot. seq. nos. 001, 002) and March 19, 2012 (mot. seq. no. 003), 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 permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
In the Matter of

Shahid Tanvir,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3778
Index No. 106868/10

New York City Health & Hospitals
Corporation,
Defendant.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 17, 2010, to review a determination of respondent,

And petitioner-appellant 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 to perfect the proceeding to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
311 South Wacker Member LLC, on its own behalf and derivatively on behalf of 311 South Wacker Venture LLC, Plaintiff-Appellant,

-against-

M-4005
Index No. 652129/10

F-S 311 Venture, L.L.C., 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, New York County, entered on or about August 29, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X
390 Park Avenue Associates, LLC,
Plaintiff-Appellant-Respondent,

-against-

M-4040
Index No. 601708/09

Jacob I. Sopher, Quik Park Columbia
Garage Corp.,
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 18, 2012 (mot. seq. no. 002),

And plaintiff-appellant-respondent 390 Park Avenue Associates, LLC, having moved for an enlargement of time to perfect their appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated September 27, 2012, and due deliberation having been had thereon,

It is ordered that the motion and the appeal and cross appeal are deemed withdrawn in accordance with the aforesaid stipulation.

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,

M-3026
Ind. No. 3778/10

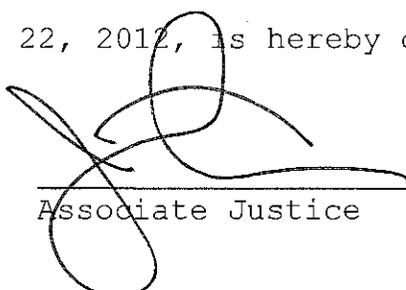
-against-

CERTIFICATE
DENYING LEAVE

Ted Johnson,

Defendant.
-----X

I, James M. Catterson, 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 decision and order of the Supreme Court, New York County, dated May 22, 2012, is hereby denied.



Associate Justice

Dated: August 21, 2012
New York, New York

ENTERED: **OCT 11 2012**

PM ORDERS

ENTERED ON

OCTOBER 09, 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 October 9, 2012.

Present - Hon. Peter Tom, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
State of New York - Unified Court System,
Petitioner-Appellant,

For a Judgment Staying Arbitration
pursuant to CPLR 7503,

-against-

M-3867
Index No. 402231/11

Association of Surrogate's and Supreme
Court Reporters within the City of
New York,

Respondent-Respondent.
-----x

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 29, 2012,

And respondent-respondent having moved for an order "vacating, limiting and/or modifying" the CPLR 5519(a)(1) stay imposed upon the taking 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 aforesaid CPLR 5519(a)(1) stay is hereby vacated.

ENTER:


CLERK

PM ORDERS

ENTERED ON

OCTOBER 11, 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 October 11, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X

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

M-3917
Index No. 250763/08

For a Judgment Pursuant to Article 10
of the Mental Hygiene Law,

-against-

Bernard D.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 24, 2009,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], 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 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 the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings in this matter, and 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 N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 October 11, 2012.

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

-----x
Michelle Edelstein,
Plaintiff-Respondent,

-against-

M-3941
Index No. 313371/09

Ronald J. Edelstein,
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 9, 2012 (mot. seq. nos. 006, 008),

And defendant-appellant having moved for a stay of the order, which upheld its prior order finding him to be in contempt and ordering his arrest and incarceration, 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 staying defendant's incarceration or relieving him of further incarceration pending hearing and determination of the appeal, on condition the appeal is perfected on or before December 3, 2012 for the February 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2012.

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

-----X

In the Matter of the Commitment of Guardianship and Custody of

Shannen Nicole O.,

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

M-3989
M-4176

Docket No. B6884/04

Abbott House,
Petitioner-Appellant,

Catherine O.,
Respondent-Respondent.

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

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about May 11, 2012,

And the maternal grandfather for the subject child, Donald O., having moved to rescind an order of a Justice of this Court entered August 6, 2012, and to dismiss the aforesaid appeal (M-3989),

And respondent-respondent having moved for leave to respond to the appeal as a poor person for assignment of counsel, a free copy of the transcript, and for related relief (M-4176),

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

It is ordered that the motion (M-3989) to rescind an order of a Justice of this Court and for other relief is denied, and it is further,

Ordered that the motion (M-4176) for poor person relief is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Aleza Ross, Esq., 320 Carleton Avenue, Central Islip, NY 11722, Telephone No. 631-361-6900, 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 October 11, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Joseph LaMorte and Gloria LaMorte,
Plaintiffs-Appellants-Respondents,

M-4329

-against-

Index No. 120319/02

The City of New York and Consolidated
Edison, Inc.,
Defendants-Respondents.

- - - - -
Consolidated Edison Company of
New York, Inc.,
Third-Party Plaintiff-Respondent,

Index No. 590563/05

-against-

Nico Asphalt Paving, Inc.,
Third-Party Defendant.

- - - - -
Consolidated Edison Company of
New York, Inc.,
Second Third-Party
Plaintiff-Respondent,

-against-

Index No. 590079/06

Felix Equities, Inc.,
Second Third-Party Defendant,

-and-

Roadway Contracting, Inc.,
Second Third-Party Defendant-
Respondent-Appellant.

-----x
An appeal and cross appeal having been taken by the respective parties from the order of the Supreme Court, New York County, entered on or about April 9, 2012 (mot. seq. no. 008), and said appeal and cross appeal having been perfected,

And an appeal having been taken to this Court from the order of said Court entered on or about April 12, 2012,

And second third-party defendant Roadway Contracting, Inc. having moved for adjournment of their cross appeal from the order entered on or about April 9, 2012,

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

It is ordered that the motion is granted to the extent of adjourning the appeals and cross appeal to the January 2013 Term. The Clerk is directed to calendar the appeals and cross appeal for hearing together in said 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 October 11, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Katan Group, LLC, individually and
derivatively as a member of
Refinery Management LLC,
Plaintiff-Appellant,

Action No. 1
Index No. 650664/12

-against-

CPC Resources, Inc., et al.,
Defendants-Respondents.

M-4492

-----X
Katan Group, LLC, individually and
derivatively as a member of
Refinery Management LLC,
Plaintiff-Appellant,

Action No. 2
Index No. 651450/12

-against-

CPC Resources, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 21, 2012 (mot. seq. no. 002),

And plaintiff-appellant having moved for a stay of proceedings, pending hearing and determination of the appeal, and for other relief,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated September 29, 2012, is vacated. The motion is otherwise denied in its entirety.

ENTER:


CLERK