

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Judith J. Gische, Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Amber A., and Denise S.,  
also known as Dennis S.,

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

- - - - -

Catholic Guardian Society and Home Bureau,  
Petitioner-Respondent,

M-4605  
Docket Nos. B-13238/08  
B-13239/08

Tiffany F.,  
Respondent-Appellant.

- - - - -

Erin Dow, Esq., Legal Aid Society,  
Attorney for the Children.

-----X

Petitioner-respondent having moved for dismissal of the appeals taken from orders of the Family Court, New York County, entered on or about October 18, 2010, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeals are dismissed.

ENTER:

  
CLERK

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

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

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

For Civil Management Pursuant to Article 10 of the Mental Hygiene Law, **M-5001**  
Index No. 30164/10

-against-

Charada T.,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 6, 2012

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, 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 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

ENTER:

  
CLERK



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

ENTER:

  
CLERK

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

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

-----x  
ASN Key West LLC,  
Petitioner-Landlord-Respondent,

-against-

Yvonne Padilla,  
Respondent-Tenant,

M-5423  
Index No. 570950/12

Alexandra Lowe,  
Respondent-Undertenant-Appellant,

"John Doe" and "Jane Doe",  
Respondent(s)-Undertenant(s).

-----x

The above-named appellant having moved in the Appellate Term of the Supreme Court for the First Department for an order staying enforcement of the Civil Court's order dated June 25, 2012, pending determination of an appeal and, inter alia, permitting the supporting papers to constitute the record on appeal and appellant's brief,

And an order of the Appellate Term of the Supreme Court for the First Department having been entered on November 20, 2012 referring the above-captioned motion to this Court for hearing and determination or other appropriate action,

Now, upon this Court's own motion,

It is ordered that the motion is hereby transferred to the Appellate Division, Second Judicial Department, for hearing and determination or other appropriate action.

ENTER:

  
CLERK

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz, Justices.

-----x  
Danielle Biton and Crystal Biton, also  
known as Saphyre Redford, etc.,  
Plaintiffs-Appellants,

-against-

M-4500  
Index No. 106526/07

Aloft Corporate Travel, Inc., 9 North  
Moore Street Condominium, The  
Condominium Board of 9 North Moore  
Street, Condominium 9, Charles W.  
Harris, Individually, Elizabeth Harris,  
Individually and "John Doe" "1" through  
"5",  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 12, 2008,

And an order of this Court having been entered on November 13, 2008 (M-3498/M-3499/M-3500/M-3567/M-4235/M-4390), granting plaintiffs-appellants' motion to the extent of deeming their motion one for reargument of the order of this Court entered on August 12, 2008 (M/3087/M-3144), denying said motion, dismissing the appeal and enjoining plaintiffs-appellants from filing any further motion practice in this Court,

And plaintiffs-appellants having moved for an order vacating various Supreme Court orders and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Judith J. Gische, Justices.

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

-against-

M-4579  
Ind. No. 6230/06

Yaindahi Milanes,  
Defendant-Appellant.

-----X

A certificate of a Justice of this Court having been entered on June 12, 2012 (M-1898) granting defendant leave to appeal to this Court from an order of the Supreme Court, New York County, rendered on or about March 22, 2012,

And counsel for defendant-appellant having moved for a an enlargement of time to perfect the aforesaid,

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 January 28, 2013 the April 2013 Term.

ENTER:



CLERK

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

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

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

Mandel Tarij Brock,  
Petitioner-Appellant,

-against-

M-5111  
Docket No. F-26796-10/10A

State of North Carolina,  
Christel L. Dews, New York  
City Corporation Counsel,  
Respondents-Respondents.

-----X

An appeal having been taken from the judgment of the Family Court, New York County, entered on or about April 30, 2012,

And petitioner-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied in its entirety.

ENTER:



CLERK

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

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

-----X  
DeGraw Construction Group, Inc.  
Plaintiff-Appellant,

-against-

M-4273  
Index No. 306799/12

HPDC2 Housing Development Fund  
Company, Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, Bronx County, on or about August 30, 2012,

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

Ordered that the motion is denied.

ENTER:



CLERK

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

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Nelson S. Román  
Darcel D. Clark, Justices.

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

Respondent,  
-against-

**M-5175**  
Case No. 32162C/05

Virgilio Samo,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2008,

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

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

ENTER:

  
CLERK

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

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

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

Respondent,

-against-

M-4195

Ind. No. 10380C/11

Saylor Suazo,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 27, 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.

Insha Rahman, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451, Telephone No. 718-838-7878, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

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

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

-----X  
In the Matter of the Application for  
The Guardianship and Custody of

Jaileen X. M., and  
Jasmin L. M.,

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

- - - - -  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

M-4728  
Docket Nos. B-28208-9/09

Annette M.,  
Respondent-Appellant,

Herve M.,  
Respondent-Appellant.

- - - - -  
Goetz Vilsaint, Esq.,  
Attorney for the Children.

-----X

Respondent-appellant father Herve M. having moved for leave to prosecute, as a poor person, the appeal from Orders of Commitment of the Family Court, Bronx County, both entered on or about August 28, 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4441, decided simultaneously herewith.)

ENTER:



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CLERK

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

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

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

-----X  
In the Matter of the Application for  
The Guardianship and Custody of

Jaileen X. M., and  
Jasmin L. M.,

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

- - - - -  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

M-4441  
Docket Nos. B-28208-9/09

Annette M.,  
Respondent-Appellant,

Herve M.,  
Respondent-Appellant.

- - - - -  
Goetz Vilsaint, Esq.,  
Attorney for the Children.

-----X

Respondent-appellant mother Annette M. having moved for leave to prosecute, as a poor person, the appeal from Orders of Commitment of the Family Court, Bronx County, both entered on or about August 28, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4728, decided simultaneously herewith.)

ENTER:



---

CLERK

---

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

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

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

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

Respondent,

-against-

M-4294  
Ind. No. 5177/09

Gene Burgess, also known as  
Eugene Burgess,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

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

-against-

Anna Michalska,  
Defendant-Appellant.

M-4378  
Ind. Nos. 2315/10  
5597/10  
4605/09

-----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 7, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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

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

-----x

Ann Table, et al.,  
Plaintiffs-Appellants,

-against-

Manash K. Dasgupta, etc., et al.,  
Defendants-Respondents,

M-4771  
Index No. 301978/11

Joanne Little, etc., et al.,  
Defendants.

-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 9, 2011,

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

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

ENTER:

  
CLERK

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

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Darcel D. Clark, Justices.

-----X  
Board of Managers of the Shorehaven  
Condominium,  
Plaintiff-Respondent,

-against-

M-5140  
Index No. 307210/08

Hector Pina & Jacqueline Garcia-Pina,  
Defendants-Respondents,

Amit Louzon,  
Non-Party Appellant.

-----X

Non-party appellant, Amit Louzon, having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 19, 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 January 28, 2013 for the April 2013 Term.

ENTER:

  
CLERK

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

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4364  
Ind. No. 6256/09

Gabriel Rivera,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 24, 2012 (M-523) 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 12, 2011, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

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

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

-----X  
John Cahn,

Plaintiff-Respondent,

-against-

M-2632A

M-2869A

Ward Trucking, Inc., et al.,  
Defendants-Respondents,

Index No. 106110/04

J.T. Falk & Company, LLC, sued herein  
as J.T. Falk & Company, Inc.,  
Defendant-Respondent-Appellant,

460 Park Avenue South Associates, LLC,  
Defendant.

- - - - -

J.T. Falk & Company, LLC,  
Third-Party Plaintiff-Respondent-  
Appellant,

-against-

Index No. 590947/05

Chemtreat, Inc.,  
Third-Party Defendant-Appellant-  
Respondent.

- - - - -

J.T. Falk & Company, LLC,  
Second Third-Party Plaintiff-  
Respondent-Appellant,

-against-

Index No. 590446/07

Atlantic Coastal Trucking, Inc., et al.,  
Second Third-Party Defendants-  
Respondents.

- - - - -

[And Other Actions]

-----X

Defendant/third-party plaintiff/second third-party plaintiff-respondent-appellant, J.T. Falk Company, LLC, sued herein as J.T. Falk Company, Inc., 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 3, 2012 (Appeal No. 7549)[M-2632A],

And defendant/third-party plaintiff/second third-party plaintiff-respondent-appellant, J.T. Falk Company, LLC, sued herein as J.T. Falk Company, Inc., having separately moved for a stay of trial pending hearing and determination of the motion for reargument or leave to appeal to the Court of Appeals [M-2869A],

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-2632A], to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on November 27, 2012 (Appeal No. 7549) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 7549, decided simultaneously herewith.) The motion for leave to appeal to the Court of Appeals and for a stay of trial [M-2869A] is denied, as moot. The order of this Court entered on November 27, 2012 [M-2632/M-2869] is hereby recalled and vacated.

ENTER:



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CLERK

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

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

-----X  
In the Matter of the Estate of

John Roublick, also known as  
John P. Roublic,  
Deceased.

M-4694  
Index No. 214 P 2006

Frank Roublick III,  
Claimant-Appellant,

-against-

Susan H. Roublick,  
Respondent.

-----X  
Respondent Susan H. Roublick having moved for dismissal of the appeal taken from an order of the Surrogate's Court, Bronx County, entered on or about June 29, 2012, for failure to timely perfect,

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

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

ENTER:

  
CLERK

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

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
In the Matter of a Support Proceeding  
Under Article 4 of the Family Court  
Act.

-----  
Kathleen F.,  
Petitioner-Appellant,  
  
-against-

**M-4421**  
Docket No. U-10023/11A

George F., Jr.,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 1, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

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

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

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

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

-against-

M-4420  
Ind. No. 4649/11

Kahn Hightower,  
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 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 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.

Neighborhood Defender Service of Harlem, 317 Malcolm X Ave., 10th Floor, New York, New York 10027, Telephone No. 212-876-5500, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

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

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

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

-against-

M-4543  
Ind. No. 5958/11

Lanair Milton,  
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, New York County, rendered on or about May 22, 2012, 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 notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 December 11, 2012.

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

-----X  
Alphonse Fletcher, Jr. et al.,  
Plaintiff-Respondent,

-against-

The Dakota, Inc., et al.,  
Defendants-Appellants,

M-3576  
M-4406  
Index No. 101289/11

Pamela Lovinger, et al.,  
Defendants,

Council of New York Cooperatives &  
Condominiums, et al.,  
Amici Curiae.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 3, 2012 (Appeal No. 6630), and for other relief (M-3576),

And the Council of New York Cooperatives & Condominiums, the Urban Homesteading Assistance Board, the Association of Riverdale Cooperatives, the Federation of New York Housing Cooperatives & Condominiums and the Coordinating Council of Cooperatives and the National Association of Housing Cooperatives having moved to file a brief Amici Curiae in support of the aforesaid motion for reargument in the above captioned matter (M-4406),

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 for reargument and/or related relief is denied (M-3576). The motion to file a brief amici curiae is granted (M-4406).

ENTER:



CLERK

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

Patricia Monroy,  
Plaintiff-Appellant,

-against-

M-3450  
Index No. 400357/11

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

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 8, 2012 (Appeal No. 7145-7146),

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

It is ordered that the motion is denied.

ENTER:



CLERK

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

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

-----X  
Georgi Eremeyev,  
Plaintiff-Appellant,

-and-

Olga Eremeyev,  
Plaintiff,

M-4698  
Index No. 250078/12

-against-

Mount Sinai Hospital, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about September 4, 2012 (mot. seq. nos. 001-013), 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 denied.

ENTER:



CLERK

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

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

-----X  
Joseph Schaefer, et al.,  
Plaintiffs-Appellants,

-against-

New York City Transit  
Authority, et al.,  
Defendants-Respondents.

M-3577  
Index No. 115693/04

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 12, 2012 (Appeal No. 6222),

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

It is ordered that the motion is denied.

ENTER:



CLERK

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

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

-----X  
The People of the State of New York  
ex rel. Hilary Best,

Petitioner,

**M-4805**

-against-

Thomas Hall, Warden, Manhattan  
Detention Center,

Respondent(s).

-----X

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

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

It is ordered that the motion is denied (CPLR 7003[b]).

ENTER:

  
CLERK

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

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

-----X  
In the Matter of

Anthony Wayne S.,  
and Amiya S.,

**M-4816**  
**M-4572**

Docket Nos. B15493-10/11A  
B12683-10/11A

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

- - - - -  
Abbott House Foster Care Agency,  
Petitioner-Respondent,

Damaris S.,  
Respondent-Appellant,

Anthony S.,  
Respondent-Appellant.

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

-----X

Separate appeals having been taken by the respective respondents from orders of the Family Court, Bronx County, both entered on or about September 11, 2012, terminating respondents' parental rights and denying each visitation,

And respondent-appellant mother having moved to stay enforcement of the aforesaid order of the Family Court, and for related relief (M-4816),

And respondent-appellant father having moved for the same relief (M-4572),

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

Ordered that the respondent-appellant father's motion which seeks a stay is granted only to the extent of providing that the respondent-appellant father shall have supervised visitation with the children at the premises of the Petitioner-Agency pursuant to a mutually agreed schedule, pending hearing and determination of the appeal and on condition that respondent father's appeal is perfected on or before January 28, 2013 for the April 2013 Term (M-4572) and otherwise denied. Respondent-appellant mother's motion is denied in its entirety (M-4816).

ENTER:

  
CLERK

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

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

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

-against-

M-4984  
Ind. No. 1024/09

Keon Daisley,  
Defendant-Appellant.

-----x

An appeal having been taken to from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2012,

And an order of a Justice of this Court having been entered on May 29, 2012, inter alia, staying the judgment of conviction and execution of sentence pending hearing and determination of the aforesaid appeal upon the posting of bail and certain other conditions,

And defendant-appellant having moved for reinstatement and continuation of the aforesaid stay of execution of sentence granted by the order of a Justice of this Court on May 29, 2012, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of reinstating and continuing the aforesaid stay granted by the order of a Justice of this Court on May 29, 2012 pending hearing and determination of the appeal, upon the same terms and conditions, and upon condition the appeal is perfected on or before January 28, 2013 for the April 2013 Term.

ENTER:

  
CLERK

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Issac Ainetchi, et al.,  
Plaintiffs-Respondents,

-against-

M-4138  
Index No. 118597/02

500 West End LLC,  
Defendant-Appellant.

-----X

Plaintiffs-respondents having moved for renewal of, the decision and order of this Court entered on February 23, 2012 (Appeal No. 6886), and for other relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

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

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Rose Welsh Dollard,  
Plaintiff,

-against-

WB/Stellar IP Owner, LLC, et al.,  
Defendants.

- - - - -

[And A Third Party Action]

- - - - -

WB/Stellar IP Owner, LLC, et al.,  
Second Third-Party Plaintiff-Respondent,

M-3509  
Index Nos. 117084/09  
590494/10  
590159/11

-against-

New York City Economic  
Development Corporation,  
Second Third-Party Defendant,

Friends of Greenwich Street, Inc.,  
Second Third-Party Defendant-Appellant.

-----X

Second third-party defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 14, 2012 (Appeal No. 7936),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

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

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

-----X

51 Park Place LH, Inc.,  
Plaintiff-Respondent/Appellant,

**M-4834**

-against-

Index No. 111237/11

Consolidated Edison Company of  
New York, Inc.,  
Defendant-Appellant/Respondent.

-----X

Appeals having been taken by defendant-appellant-respondent, Consolidated Edison Company of New York, Inc., from orders of Supreme Court, New York County, entered on or about June 14, 2012,

And an appeal having been taken by plaintiff-respondent-appellant, 51 Park Place LH, Inc., from the order of the same Court entered on or about June 22, 2012,

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

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

It is ordered that the motion is granted to the extent of permitting defendant-appellant-respondent to prosecute the appeals from the orders entered on or about June 14, 2012 upon 9 copies of one record and of one set of appellant's points covering said consolidated appeals. The Clerk is directed to calendar the aforesaid consolidated appeals on the same day for hearing together with plaintiff-respondent-appellant's appeal from the order entered on or about June 22, 2012 if perfected for the same Term.

ENTER:

  
CLERK

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

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

-----x  
Greenwich Insurance Company, as  
subrogee of Vital Equities, LLC,  
Plaintiff-Appellant,

-against-

M-4751  
Index No. 601660/09

New Amsterdam Associates & HAF  
Development,  
Defendant-Respondent.

-----x

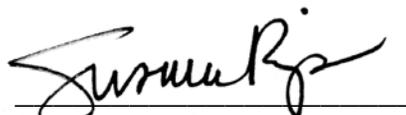
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 23, 2012 (mot. seq. no. 004),

And plaintiff-appellant having moved for a stay of trial 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 on condition the appeal is perfected on or before January 28, 2012 for the April 2013 Term.

ENTER:

  
CLERK

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

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

In the Matter of

Carmine G.,

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

-----  
Commissioner of Social Services of the City of New York,  
Petitioner-Respondent,

M-4444  
Docket No. NN-11475/11

Franklin G.,  
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 the Order of Factfinding and Order of Disposition of the Family Court, New York County, entered on or about February 6, 2012 and July 24, 2012, respectively, 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

CLERK

---

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

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

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Joseph Batista,  
Plaintiff-Respondent,

-against-

M-5181  
Index No. 302226/08

Francisco Rafae Porro and DYA Inc.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 14, 2011,

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

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

ENTER:

  
CLERK

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

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Rodh Houngueh,  
Plaintiff-Respondent,

-against-

M-4995  
Index No. 302284/10

Nathan A. Brooks, Broadway Painting  
Specialist, Corp.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 18, 2012,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 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-4180  
Ind. Nos. 3133/09  
George Campbell, 1247/10  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2012 (M-4180), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 4, 2010, under Indictment No. 3133/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 1247/10,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 3133/09 and 1247/10, and extending the poor person relief previously granted to cover same.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 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-4061  
Ind. No. 55N/12

Jonathan Fernandez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 December 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-4104  
Ind. No. 235/11

George Turner,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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

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

-----X

In re Yary,

-----  
Carol W.,  
Petitioner,

Leake & Watts Services, Inc., et al.,  
Respondents.

-----  
Leake & Watts Services, Inc.,  
Respondent-Appellant,

M-4981  
Docket Nos. A 5622/11  
A 8882/11

Carmen A.,  
Petitioner-Respondent,

Administration for Children's Services,  
Respondent.

-----X

Petitioner-respondent Carmen A. having moved for renewal/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 October 11, 2012 (Appeal No. 7903), and for related relief,

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

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

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

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

Respondent,

-against-

**M-4260**

SCI. No. 1334/12

Alix Zamor,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 11, 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 post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

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

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

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

-against-

M-4268  
Ind. No. 5471/11

Thomas Webb,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 7, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
CLERK

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

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

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

-against-

M-4303  
Ind. No. 3581N/11

Edison Cruz,  
Defendant-Appellant.

-----X

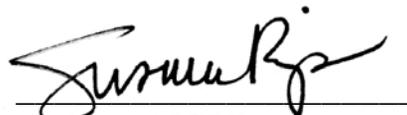
Defendant having moved for an enlargement of time in to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for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

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Arnold J. Levine, Esq., as well as 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 December 11, 2012.

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

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

-against-

M-4275  
Ind. No. 3379/10

Andre Graham,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 25, 2011 (M-4018), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 22, 2011, under Indictment No. 3379/10, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforesaid order of assignment to include the judgment of **resentence** of said Court rendered on or about August 9, 2011,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of **resentence** of the Supreme Court, New York County rendered on or about August 9, 2011, and extending the poor person relief previously granted to cover same.

ENTER:

  
CLERK

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

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

-----X

Crystal Biton,  
Plaintiff-Appellant,

-against-

M-4774  
Index No. 103927/98

Baxter Healthcare Corporation, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 2, 2012 (Appeal No. 8166N-8166NA),

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

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

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

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

M-4419  
Ind No. 1013/08

-against-

ORDER GRANTING LEAVE

Terrence McFarlane,  
Defendant-Appellant.  
-----X

I, David B. Saxe, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein<sup>1</sup> questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is ORDERED, that permission be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: New York, New York  
October 12, 2012

  
Justice of the Appellate Division



DEC 11 2012

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

<sup>1</sup>Description of Order:

8/23/2010

Sup. Ct. Bronx Co.

Affd. 3/13/2012  
App. Div. 1st Dept.