

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 September 25, 2012.

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

-----X
Victor Perez,
Plaintiff-Respondent,

-against-

M-3575X
Index No. 102524/07

Pedro A. Vasquez and Frank Livery
Service, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 14, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 25, 2012.

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

-----X
Felix Jinete-Brito

Plaintiff-Respondent,

-against-

M-3557X
Index No. 302271/07

Linmar Restoration Corporation,
Defendant-Respondent,

-and-

Young Men's Christian Association
of Greater New York,
Defendant-Appellant.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 27, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 27, 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It is ordered that the appeal, previously perfected for the September 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 September 25, 2012.

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

-----X
Seaview Mezzanine Fund, L.P.,
Plaintiff-Appellant,

-against-

M-3554
Index No. 105540/09

Mark LoPresti, Esq., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 23, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated June 13, 2012, and the correspondence from Smith Valliere PLLC, James M. Ingoglia, of Counsel, dated July 26, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2011 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 September 25, 2012.

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

-----X
Hermès International, Hermès Sellier,
and Hermès of Paris, Inc.,
Plaintiffs-Respondents,

-against-

M-3585
Index No. 602720/08

Lederer De Paris Fifth Ave., Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 14, 2011 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2011 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 September 25, 2012.

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

-----X

Tina Ghazal,
Plaintiff-Appellant,

-against-

M-3555
Index No. 111332/06

Female Fitness, Jay's Big Gym,
Robert Amalfi, Robert Amalfi, Jr.,
Alberto Amalfi and Alberto Amalfi,
Jr.,
Defendants-Respondents,

-and

Rosewood Holdings, LLC, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 19, 2011 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated July 27, 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 September 25, 2012.

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

-----X
Mossi & Ghisolfi International S.A.,
and M&G Finanziaria Industriale
S.P.A.,
Plaintiffs-Respondents,

-against-

M-3586
Index No. 650249/11

Rhodia Brasil LTDA and Rhodia S.A.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 14, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 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 September 25, 2012.

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

-----X
New 24 West 40th Street LLC,
Plaintiff-Respondent,

-against-

XE Capital Management, LLC,
Defendant-Appellant.

M-3343
Index No. 103495/11

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about February 21, 2012, 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 to dismiss the appeal is granted unless the appeal is perfected for 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 September 25, 2012.

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

-----X
John R. Denza, Susan Greenberg,
Brett Macume, Andrew Parsons,
Robert C. Rice, Christophe Denza, M-3614
and Nadav Zeimer, M-3847
Plaintiffs-Appellants, Index No. 117673/05

-against-

Independence Plaza Associates, LLC
and WB/Stellar IP Owner, L.L.C.,
Defendants-Respondents.

-----X
Plaintiffs-appellants 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 23, 2010 (mot. seq. no. 005) [M-3614],

And defendants-respondents having cross-moved to dismiss the aforesaid appeal [M-3847],

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2013 Term [M-3614]. The cross motion is denied [M-3847].

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 September 25, 2012.

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

-----X
Moshe Steinmetz,
Plaintiff-Respondent,

-against-

Samuel-Rozenbaum USA, Inc.,
Defendant-Appellant.

M-3625
Index No. 600808/07

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 23, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2013 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serve a copy of this order upon the appellant within ten days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 25, 2012.

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

-----X
Absar Realty Company, a New York
General Partnership with Edith Wiener,
Plaintiffs-Respondents,

-against-

Laura Spahn,
Defendant-Appellant,

Index No. 23962/06

-and-

3900 Greystone Associates, LLC,
Defendants.

M-3666
M-3672

- - - - -
Absar Gerard Associates and Edith
Wiener, Individually and in her
Capacity as Co-Executrix of the
Estate of Johanna W. Ackerman,
Third-Part Plaintiffs-
Respondents,

-against-

Index No. 2451/05

Laura Spahn,
Third-Party Defendant-Appellant,

-and-

Chaim Schweid,
Third-Party Defendant-Appellant.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 7, 2011,

And third-party defendant-appellant Chaim Schweid having moved for an enlargement of time in which to perfect his appeal (M-3672),

And defendant/third-party defendant-appellant Laura Spahn having cross-moved for an enlargement of time to perfect her respective appeal (M-3666),

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 granted to the extent of enlarging the time in which to perfect the respective appeals to the January 2013 Term, with leave to seek a further enlargement if necessary.

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 September 25, 2012.

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

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

Adetokumbo C. Ogunrinde,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3429
of the Civil Practice Law and Rules, Index No. 117886/09

-against-

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

-----X

An order of this Court having been entered January 31, 2012 (M-5407) granting petitioner-appellant 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 December 28, 2011, leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and an enlargement of time in which to perfect said appeal to the June 2012 Term,

And an order of this Court having been entered on May 3, 2012 (M-1463) granting petitioner-appellant a further enlargement of time in which to perfect his appeal to the September 2012 Term,

And petitioner-appellant having moved for a further enlargement of time in which to perfect the appeal and for the same relief granted by the aforesaid order of this Court entered January 31, 2012 (M-5407),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before December 3, 2012 for the February 2013 Term, and otherwise denied, as unnecessary.

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 September 25, 2012.

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

-----X
Mary Imbriale, as Administratrix of the
Estate of Paul Imbriale, deceased, and
Mary Imbriale, Individually,
Plaintiff-Respondent,

M-3392
Index No. 116744/08

-against-

Richter & Ratner Contracting Corp.,
et al.,
Defendants-Appellants.

-----X
(And two other actions)

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 8, 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 on condition the appeal is perfected on or before November 5, 2012 for the January 2013 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 25, 2012.

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

-----X

In the Matter of the Application of

Diana Haas,
Petitioner-Respondent-Appellant,

For a Judgment Pursuant to Article 75
of the CPLR,

M-3563
Index No. 110190/11

-against-

The New York City Board/Department of
Education,
Respondent-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2012,

And petitioner-respondent-appellant Diana Haas having moved for an order expediting the briefing and hearing of the appeal, and other relief,

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

It is ordered that the motion is granted only to the extent of directing that the appeal be perfected on or before November 5, 2012 for the January 2013 Term, 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 September 25, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Mary Olsen, et al.,
Plaintiffs-Appellants,

-against-

Stellar West 110, LLC,
Defendant-Respondent.

M-3237
Index No. 107800/10

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2012 (Appeal No. 7857),

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 September 25, 2012.

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

-----X
Ghislaine Auguste,
Petitioner,

M-3572

For a Judgment pursuant to Article 78 Index No. 113359/11
of the Civil Practice Law and Rules,

-against-

New York City Department of Housing
Preservation and Development and
Tower West Associates, LP,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 26, 2012,

And respondent landlord having moved to vacate the stay of eviction in the underlying proceeding or, in the alternative, to require petitioner tenant to perfect the proceeding for the next available term and to pay all past use and occupancy,

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 unless petitioner perfects the proceeding on or before December 3, 2012 for the February 2013 Term and pays any unpaid arrears representing her portion of use and occupancy that was the condition of the stay granted by Supreme Court, within 45 days of the date hereof and remains current with her portion of use and occupancy, after offsetting that portion of the rent representing the disputed Section 8 subsidy. Upon petitioner's failure to fulfill either condition, respondents may move on notice to vacate the stay.

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 September 25, 2012.

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

-----X

Lorraine Borden, on behalf of herself
and others similarly situated,
Plaintiff-Respondent,

M-3724
M-3824

-against-

Index No. 650361/09

400 East 55th Street Associates L.P.,
Defendant-Appellant.

-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 10, 2011 and April 13, 2012, respectively,

And defendant having moved for an enlargement of time to perfect the appeal taken from the order entered on November 10, 2011 (M-3724),

And plaintiff having cross-moved for the dismissal of the aforesaid appeal (M-3824),

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 defendant's motion is granted to the extent of, sua sponte, consolidating the aforesaid appeals and directing defendant-appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. The time to perfect the consolidated appeals is enlarged to on or before November 5, 2012 for the January 2013 Term (M-3724). Plaintiff's cross motion to dismiss defendant's appeal from the order entered on or about November 10, 2011 is denied without prejudice to raising arguments on the appeal (M-3824).

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 September 25, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Elizabeth A. Spielfogel,
Plaintiff-Respondent-Appellant,

-against-

Larry R. Spielfogel
Defendant-Appellant-Respondent.

-----X

M-3001
M-3189
Index No. 350249/07

Plaintiff-respondent-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 June 7, 2012 (Appeal No. 7862) [M-3001],

And defendant-appellant-respondent having cross-moved for sanctions and/or an award of costs for attorney's fees in connection with the aforesaid motion [M-3189],

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 denied [M-3001/M-3189].

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 September 25, 2012.

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

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

-against-

M-1277
Ind. No. 2365/71

Gonzales L. Medina,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 27, 1975 (Appeal No. 1956), unanimously affirming a judgment of the Supreme Court, Bronx County (William Kapelman, J.), rendered on March 2, 1973,

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

Now, upon reading and filing the papers with respect to the motion and the correspondence from defendant-appellant dated June 6, 2012, and due deliberation having been had thereon,

It is ordered that said application is deemed 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 September 25, 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

Monarch Consulting, Inc., Elite
Management, Inc., Brentwood Television
Funnies, Inc., Professional Employer
Options, Inc., Recurrent Software
Solutions, Ahill, Inc., The Accounting
Group, LLC, PES Payroll, IA, Inc.,
Petitioners-Appellants,

M-3537
Index No. 102187/11

-against-

National Union Fire Insurance Company
of Pittsburgh, PA., etc.,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2012,

And an order of this Court having been entered on July 24, 2012 (M-540), denying petitioners-appellants' motion for a stay of enforcement of the aforesaid order of the Supreme Court entered on January 31, 2012 and vacating the interim relief granted by an order of a Justice of this Court dated February 3, 2012,

And petitioners-appellants having moved for reconsideration of the order of this Court entered on July 24, 2012 (M-540), 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 petitioners' motion for reconsideration is granted and, upon reconsideration, enforcement of the aforesaid order appealed entered on or about January 31, 2012 is stayed pending hearing and determination of the appeal.

ENTER:


CLERK

CORRECTED ORDER – October 12, 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 September 25, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Gramercy Park Residence Corp., etc.,
Plaintiff-Appellant,

-against-

M-3137
Index No. 603071/02

Elaine Ellman, etc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on June 5, 2012 (Appeal No. 7834),

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 September 25, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Leon Kucherovsky, Esq.,
Plaintiff-Respondent,

-against-

Excel Medical & Diagnostic Services,
P.C., et al.,
Defendants,

M-3117
Index No. 100488/08

-and-

Prasad Chalasani, M.D.,
Defendant-Appellant,

-and-

Moriah United Corporation,
Intervenor-Respondent.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 20, 2012 (Appeal No. 7130),

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 September 25, 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-3863
Ind. No. 5578/10

Bernardo Rodriguez,
Defendant-Appellant.

-----x

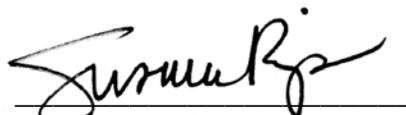
An order of a Justice of this Court having been entered on May 17, 2012, granting a stay of execution of sentence and bail pending hearing and determination of the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 30, 2012,

And defendant-appellant having moved through assigned counsel for an order continuing the aforesaid stay of execution of sentence pending hearing and determination of the aforesaid appeal, and for an enlargement of time to perfect same,

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 stay of execution of sentence is continued pending hearing and determination of the appeal, upon the same terms and conditions, and upon condition that the appeal be perfected on or before November 5, 2012 for 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 September 25, 2012.

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

-----X
Rock J. Walker,
Plaintiff-Appellant,

-against-

M-3835
Index No. 113279/07

Scott Foreman, also known as Skot
Foreman,
Defendant-Respondent.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 6, 2011 (mot. seq. no. 012), and from the judgment of said Court entered on or about July 14, 2011, respectively, and said appeals having been perfected on a single appendix,

And defendant-respondent having moved for leave to strike plaintiff's appendix and to dismiss the appeals or, in the alternative, for leave to file a supplemental appendix containing items set forth in p. 3, par. C to the moving papers, for costs in preparing the supplemental appendix, and for an extension of time to file a respondent's brief and supplemental appendix,

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 to the December 2012 Term, with leave to defendant-respondent to file a supplemental appendix containing the aforementioned items, with costs to abide the event.

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 September 25, 2012.

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

-----X

Biotronik A.G.,
Plaintiff-Appellant-Respondent,

-against-

M-3018
Index No. 603751/07

Conor Medsystems Ireland, Ltd., et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 29, 2012 (Appeal Nos. 7382-7383),

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

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

"Was the order of this Court, which affirmed the Judgment and dismissed appeals from orders of the 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.

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 September 25, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Gard Entertainment, Inc.,
Plaintiff-Respondent-Appellant,

-against-

Country in New York, LLC,
Defendant,

M-3384
Index No. 651782/10

Adam R. Block,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 28, 2012 (Appeal Nos. 8045-8045A),

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 September 25, 2012.

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

-----X
In re RCN New York Communications,
LLC,
Petitioner-Respondent,

-against-

The Tax Commission of the City
of New York, et al.,
Respondents-Appellants.

M-2536
Index Nos. 260046/08
260044/08

- - - - -
In re Level 3 Communications, LLC,
Petitioner-Respondent,

-against-

The Tax Commission of the City
of New York, et al.,
Respondents-Appellants.

-----X

Respondents-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 May 3, 2012 (Appeal Nos. 7534, 7535 and 7536),

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 September 25, 2012.

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

-----X
Clifton Gibbon,
Plaintiff-Respondent,

-against-

City of New York,
Defendant-Appellant.

M-2658
Index No. 117309/08

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on May 3, 2012 (Appeal No.7541),

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 September 25, 2012.

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

-----X

Elizabeth Gonzalez,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent.

M-2355
Index No. 21178/04

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 17, 2012 (Appeal No. 7051),

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 September 25, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Armand Retamozzo,
Plaintiff-Appellant,

-against-

Jason Quinones, et al.,
Defendants-Respondents,

M-3394
Index No. 113920/09

Diana Friedland, et al.,
Defendants.

-----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 17, 2012 (Appeal No. 7695N),

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 September 25, 2012.

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

-----X
Harold E. Garber, et al.,
Plaintiffs-Respondents,

-against-

M-2231
Index No. 601917/05

Troy D. Stevens, Jr., etc., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on April 3, 2012 (Appeal No. 7262),

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 September 25, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3148
Ind. No. 4305/00

Shawn Woodward,
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 April 17, 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 file notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 September 25, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3347

Ind. No. 3731/11

Nadine Leach,
Defendant-Appellant.

-----X

Defendant having renewed her 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 30, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 September 25, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3353

Ind. No. 2401/11

Luis Torres,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 8, 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 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.

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 September 25, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3436
Ind. No. 6882/90

Bernell Gould, also known as
Lawrence Benjamin,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered April 12, 2012 (M-1101), granting leave to appeal to this Court, pursuant to Section 460.15 of the Criminal Procedure Law, from the order of Supreme Court, New York County, entered on or about December 2, 2009,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the aforesaid order of the Supreme Court, New York County, rendered on or about December 2, 2009, 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, if any, of the proceedings related to the aforesaid order appealed. 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 September 25, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3105
Ind. No. 4678/11

Christian Castro,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 17, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to 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 September 25, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

M-3097

-against- Ind. No. 1935/11

Bobby Mitchell,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 20, 2011 (M-4950) 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 October 6, 2011,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Countrywide Home Loans,
Plaintiff-Respondent,

-against-

Luis Roman,
Defendant-Appellant.

M-3309
Index No. 380125/08

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 6, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which 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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Frank Miraglia,
Petitioner-Appellant,

-against-

State Insurance Fund, et al.,
Respondents-Respondents.

M-3183
Index No. 260631/10

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 8, 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 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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Krell Investor LLC and Krell
Industries LLC,
Plaintiffs-Appellants,

-against-

M-3512
Index No. 650652/09

KI, Inc., formerly known as Krell
Industries, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 27, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Atlantic Mutual Insurance, etc.,
et al.,
Plaintiffs-Respondents,

-against-

M-3175
Index No. 600582/03

R/F Landscape Architecture P.C.,
Defendant-Appellant,

Fort-Cica Roofing & General Contractors,
Inc., et al.,
Defendants-Respondents.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 21, 2010 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before November 5, 2012 for the January 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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York
ex rel. Michael G. Dowd, Esq., on
behalf of Percy Forrest,
Petitioner-Appellant,
-against-

M-3084
Index No. 102725/12

Dora B. Schriro, Commissioner,
New York City Department of Corrections,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 23, 2012, denying and dismissing petitioner's petition for a writ of habeas corpus,

And petitioner having moved to be released on bail 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 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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Daniela Chiaperotti,
Plaintiff-Respondent,

-against-

M-2943
Index No. 101243/07

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

Empire City Subway Company, Ltd., and
Verizon Communications, Inc.,
Defendants-Appellants.

-----X

Empire City Subway Company, Ltd.,
and Verizon Communications, Inc.,
Defendants/Third-Party Plaintiffs,

-against-

Nico Asphalt Paving,
Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 27, 2012 (mot. seq. no. 005),

And third-party defendant Nico Asphalt Paving having moved for dismissal of so much of the appeal taken by defendants-appellants Empire City Subway Company, Ltd. and Verizon Communications, Inc., from that part of the aforesaid order of the Supreme Court, New York County, entered on or about April 27, 2012, granting Nico summary judgment,

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 dismissing so much of the appeal taken by defendant-appellants Empire City Subway Company, Ltd. and Verizon Communications, Inc., from that part of the aforesaid order entered on or about April 27, 2012 granting Nico Asphalt Paving summary judgment.

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 September 25, 2012.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Michael Chia Hock Meng,
Plaintiff-Respondent-Appellant,

-against-

Julie Lynn Allen,
Defendant-Appellant-Respondent.

M-3086
M-3388
Index No. 106291/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 31, 2012,

And defendant-appellant-respondent, having moved for leave to file a late notice of appeal from a prior order of the same Court and Justice, entered on or about December 20, 2011, for consolidation of the aforesaid appeals, and for related relief (M-3086),

And plaintiff-respondent-appellant having cross moved to strike that portion of defendant-appellant-respondent's notice of appeal that purports to appeal from the aforesaid order entered on or about December 20, 2011, for the imposition of certain sanctions, and for related relief (M-3388),

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

Ordered that the motion is denied (M-3086). The cross motion is granted to the extent of dismissing the portion of defendant's notice of appeal dated June 19, 2012, which purports to notice an appeal from the order entered December 20, 2011 and otherwise denied (M-3388).

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 September 25, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3349
Ind. Nos. 2262/09
34120C/09

Brian D. Santiago, also known as
Bryan Santiago,
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 November 10, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 September 25, 2012.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalynd H. Richter, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-3159
SCI No. 2542/11

Natalio C. Pastor,

Defendant-Appellant.

-----x

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, entered on or about October 5, 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 deeming the moving papers a timely filed notice of 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 September 25, 2012.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

The City of New York,
Petitioner-Respondent,

To Acquire by Exercise of its Powers of Eminent Domain, Fee Interest in Certain Real Property Known as Tax Block 706, etc., all located in the Borough of Manhattan, Required as Part of the

M-3279

No. 7 Subway Extension-Hudson Yards Rezoning and Development Program, Phase 1, Stage 4.

- - - - -
- Zahav LLC, et al., (Block 706, Lots 1, 10, 15 & 55) Index No. 401258/10
- Dowling Management Corporation, (Block 706, Lot 17), Index No. 401259/10
- 538-540 West 35th Corporation, (Block 706, Lot 50), Index No. 401260/10
- Madeline Armellino, et al., (Block 706, Lot 52), Index No. 401261/10
- The West 35th Group, Inc., (Block 707, Lot 13), Index No. 401262/10
- Reno New York Properties, LLC, (Block 707, Lot 16), Index No. 401263/10
- General Camera, LLC, (Block 707, Lots 54 & 56), Index No. 401264/10
- Mercedes-Benz Manhattan, Inc., (Block 1069, Lot 1), Index No. 406534/07

Claimants-Appellants,
-----X

An appeal having been taken by the aforesaid claimants-appellants from the order of the Supreme Court, New York County, entered on or about October 4, 2011,

And claimants having jointly moved for an order enlarging the time in which to perfect the appeal, and for a stipulated briefing schedule,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2013 Term. Motion is otherwise denied.

ENTER:


CLERK

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

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

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

M-3762
Ind. No. 0465/03

-against-

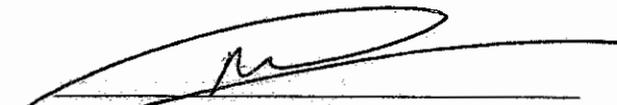
CERTIFICATE
DENYING LEAVE

Carlos Hernandez,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, rendered on or about March 30, 2012 is hereby denied.


Associate Justice

Dated:
New York, New York

ENTERED: SEP 25 2012

PM ORDERS

ENTERED ON

SEPTEMBER 18, 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 September 18, 2012.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Tony Diaz,
Plaintiff-Respondent,

-against-

M-3815

Index No. 305204/09

1100 Wyatt LLC,
Defendant-Appellant,

-and-

The City of New York,
Defendant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 31, 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.

ENTER:


CLERK

PM ORDERS

ENTERED ON

SEPTEMBER 25, 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 25, 2012.

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

-----x
Julio Rebollo,

Plaintiff-Appellant,

-against-

M-1756
Index No. 115289/08

Nicholas Cab Corp., et al.,

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 July 6, 2011 (mot. seq. no. 003), and said appeal having been perfected,

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.

ENTER:


CLERK