

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 April 30, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
The State of New York,  
Petitioner-Respondent,

For Commitment Under Article 10 of the  
Mental Hygiene Law,

M-653  
Index No. 251233/10

-against-

Robert V.,  
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 25, 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.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
Leon D. Dematteis Construction Corporation,  
et al.,  
Plaintiffs-Respondents,

-against-

M-1108X  
Index No. 651337/10

Vigilant Insurance Company,  
Defendant-Appellant.  
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about November 23, 2011 and June 19, 2012 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 26, 2013, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

-----X

Mae Rhymes, etc.,  
Plaintiff-Respondent,

-against-

M-1060X  
Index No. 309692/09

Hemant K. Patel, M.D., et al.,  
Defendants,

Harmeet Singh, M.D., et al.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 8, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 22, 2013, 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 April 30, 2013.

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

-----X  
Healthcare I.Q., LLC,  
Plaintiff-Respondent,

-against-

M-1061X  
Index No. 108230/10

Dr. Tsai Chung Chao, MD, doing business  
as Naturo-Medical Health Care, P.C.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 30, 2012 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 22, 2013, 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 April 30, 2013.

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

-----X

Andis Shkreli,  
Plaintiff-Appellant,

-against-

M-1074X  
Index No. 304463/10

Felix McElroy,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 25, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 25, 2013, 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 April 30, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

-----X  
OM Investments and Ravi Akhoury,  
etc.,  
Plaintiffs-Appellants,

-against-

E.S.P. Das, et al.,  
Defendants-Respondents,

M-1379X  
Index No. 690536/11

-and-

Banyan Real Estate Fund, et al.,  
Nominal Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 19, 2012 (mot. seq. nos. 001, 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 8, 2013, 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 April 30, 2013.

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

-----X  
In the Matter of

"Baby Boy W." also known as  
Jaheem W., also known as  
Jaheem W. V.,

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

- - - - -  
Jewish Child Care Association,  
et al.,  
Petitioners-Respondents,

M-1442  
Docket No. B-24861/05

-against-

Celeste W.,  
Respondent-Appellant.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about May 25, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated March 12, 2013, 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 April 30, 2013.

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

-----X  
Robert Robertson,  
Plaintiff-Appellant,

-against-

New York City Health & Hospitals Corp.,  
Defendant-Respondent.

M-1101  
Index No. 114274/09

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 9, 2012 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated March 8, 2013, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----x

Terrence Noble,  
Plaintiff,

-against-

M-515

Index No. 100214/07

260-61 Madison Avenue LLC, et al.,  
Defendants-Appellants/Respondents,

-and-

Estaff Control, LLC,  
Defendant-Respondent/Appellant.

-----x

260-61 Madison Avenue LLC, et al.,  
Third-Party Plaintiffs-  
Appellants/Respondents,

Third-Party

Index No. 590120/09

-against-

United Staffing Systems, Inc. and  
Estaff Control, LLC,  
Third-Party Defendants-  
Respondents/Appellants.

-----x

Appeals having been taken to this Court by defendants-appellants/respondents and defendant-respondent/appellant from an order of the Supreme Court New York County, entered on or about August 29, 2012 (mot. seq. 004), and from an order of said Court and Justice entered on or about November 27, 2012 (mot. seq. no. 003), respectively,

And defendant-respondent/appellant, Estaff Control, LLC, having moved for consolidation of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 24, 2013, and due deliberation having been had thereon,

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

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 April 30, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice  
Angela M. Mazzairelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

Jason Quinones,  
Defendant-Appellant.

M-564  
Ind. Nos. 4107/11  
1830/12

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 4, 4012, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, insofar as it seeks poor person relief is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Anthony Strazza, 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 April 30, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Karla Moskowitz  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
Jennifer "A",  
Plaintiff-Respondent-Appellant,

-against-

M-1515  
Index No. 8869/07

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

-----X

Defendants-appellants-respondents having moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, Bronx County, entered on or about April 24, 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 and cross appeal to the October 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 April 30, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Karla Moskowitz  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----x  
55 Gans Judgment LLC as successor in  
interest to Union Center National Bank,  
Plaintiff-Respondent,

-against-

The Sheryl Romanoff Irrevocable Grantor  
Trust, The Sheryl Romanoff Grantor  
Retained Annuity Trust,  
Defendants-Appellants,

M-1151  
Index No. 106008/11

Gerald Romanoff, Sheryl Romanoff,  
and John Does Nos. 1 through 10  
("John Does"),  
Defendants.

-----x

Defendants-appellants having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about February 6, 2013 (mot. seq. no. 003), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-644  
Ind. No. 6788N/05

Cesar Fermin,  
Defendant-Appellant.

-----X

Respondent People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 21, 2006,

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, and the time to perfect the appeal is enlarged to the October 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 April 30, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Rachel S.-D., and  
Genesis N.-D.,

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

**M-897**  
Docket Nos. NA-4215/11  
NA-4216/11

- - - - -  
Administration for Children's Services,  
et al.,

Petitioners-Respondents,

Sandy D.,  
Respondent-Appellant,

Luis N.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant Luis N., having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about June 22, 2012 and January 23, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue #576, Hastings On Hudson, New York, NY 10706, Telephone No. (914) 439-4843, 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-741, 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 April 30, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Rachel S.-D., and  
Genesis N.-D.,

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

**M-741**  
Docket Nos. NA-4215/11  
NA-4216/11

- - - - -  
Administration for Children's Services,  
et al.,

Petitioners-Respondents,

Sandy D.,  
Respondent-Appellant,

Luis N.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Sandy D., having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about June 22, 2012 and January 23, 2013, 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-897, 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 April 30, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-905**

Ind. No. 5747/97

Rafael Mendez,

Defendant-Appellant.

-----X

An order of this Court having been entered on January 22, 2013 (M-4971) granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 2, 2012, **denying resentence**, 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, Donald E. Cameron, Esq., 139 Fulton Street, Suite 510, New York, NY 10038, Telephone No. (212) 233-3348, 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 April 30, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-against-

M-695  
Ind. No. 1905/12

Theo Jones,  
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 January 29, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 April 30, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-385  
Ind. No. 725/12

Jennifer K. Detres,  
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 December 4, 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 April 30, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

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

-against-

M-1591  
Ind. No. 5388/97

Sandra Reyes,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a post argument supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 25, 2011, and said appeal having been perfected and heard in this Court (Appeal No. 9254),

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 accepting the brief submitted with defendant's motion as filed. Respondent is permitted to serve and file a reply within 10 days from 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 April 30, 2013.

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

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

-against-

M-1279  
Ind. No. 5431N/03

Alberto Polanco,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from judgments of the Supreme Court, New York County, rendered on or about May 12, 2005 and May 25, 2005, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before for August 5, 2013 for the October 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Ki Yung Lee,  
Petitioner-Appellant,

-against-

2MJC, Inc., et al.,  
Respondents-Respondents.

M-1299  
M-1592  
Index No. 651749/11

-----X

Respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 15, 2013 (mot. seq. no. 002) [M-1299], and said appeal having been perfected,

And petitioner-appellant having cross-moved for an order imposing certain costs and sanctions [M-1592],

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 to dismiss the appeal is denied, without prejudice to advancing the argument on appeal [M-1299]. The cross motion for costs and sanctions is denied [M-1592].

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 April 30, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Darcel D. Clark, Justices.

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

-against-

**M-600**  
Ind. No. 2151/12

Maurice Robinson, also known as  
Siler Downs,  
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 December 12, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Marina Vance,  
Petitioner-Appellant,

-against-

New York City Commission on Human  
Rights,  
Respondent-Respondent.

M-866  
Index. No. 113818/11

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 6, 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 petitioner-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including statement of facts to show merit of contentions, as well as a statement detailing the amount and sources of her income and listing her property with its value and attaching copies of defendant's individual 2010 and 2011 income tax returns and/or tax returns filed by petitioner for 2010 and 2011 in connection with the business "A Bridal Hair and Make-Up Salon by Marina Vance".

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 April 30, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

M-906  
Ind. No. 10380C/11

Saylor Suazo,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 11, 2012 (M-4195) assigning The Bronx Defendants as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 27, 2012; and a motion having been made to relieve such counsel, and for other relief,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

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

Shakeema Johnson,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-783  
M-854  
Index No. 113729/11

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 11, 2012, to review a determination of respondent,

And respondent having moved for dismissal of the transferred proceeding (M-783),

And petitioner having moved for an enlargement of time to perfect the proceeding, and for leave to prosecute said proceeding as a poor person (M-854),

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 to dismiss the proceeding is granted unless the proceeding is perfected for the September 2013 Term (M-783). The time to perfect the proceeding is enlarged to the September 2013 Term accordingly. It is further ordered that the motion is granted to the extent of permitting the proceeding

to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record (M-854).

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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Mark Antebi,  
Plaintiff-Appellant,

-against-

M-1051  
Index No. 600371/10

Thor Gallery at Warren Conner, LLC,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from order of the Supreme Court, New York County, entered on or about April 9, 2012 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion including the correspondence from Gary L. Cutler, Esq. dated February 28, 2013, and due deliberation having been had thereon,

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

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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Bd. of Mgrs. of St. James Tower  
Condominium Association,  
Plaintiff-Respondent,

-against-

M-832  
Index No. 106826/11

Dorothea Kutler,  
Defendant-Appellant,

NYC Transit Adjudication Bureau,  
et al.,  
Defendants.

-----X

Defendant-appellant pro se 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 April 19, 2012 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Hudson City Savings Bank,  
Plaintiff-Respondent,

-against-

M-1338  
Index No. 107305/09

Lizette Agosto,  
Defendant-Appellant,

Roger Lanoue, Jr., et al.,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 27, 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 October 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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Paul Cervera,  
Plaintiff-Appellant,

-against-

James L. Moran, et al.,  
Defendants-Respondents.

M-1469  
Index No. 305699/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 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 October 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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
LFR Collections LLC, et al.,  
Plaintiff-Respondent,

-against-

M-1513  
Index No. 652595/11

Jeffrey L. Weinstein P.C. and  
Jeffrey Weinstein,  
Defendants-Appellants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal deemed to specify an appeal from the judgment of the Supreme Court, New York County, entered on or about April 26, 2012 (CPLR 5501[c]),

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 consent, to the extent of enlarging the time to perfect the aforesaid appeal to the October 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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Droege Group, Inc.,  
Plaintiff-Appellant,

-against-

Pergo LLC,  
Defendant-Respondent.

-----X

M-1605

M-1606

Index No. 650331/12

Plaintiff-appellant having moved, by duplicate motions (M-1605/M-1606), for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 19, 2012,

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term (M-1605/M-1606).

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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Monika Bernardez,  
Plaintiff-Respondent,

-against-

M-1579  
Index No. 18928/02

Velagapudi Pediatrics, PLLC,  
Defendant-Appellant,  
  
2328 University Avenue Corp.,  
et al.,  
Defendants.

-----X

Defendant-appellant Velagapudi Pediatrics, PLLC having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 25, 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 October 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 April 30, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
C&D Development Corp., as  
assignee of SBRE, LLC and  
Seabreeze Development, LLC,  
Plaintiffs-Appellants,

-against-

Steven Maksin, Esq., Maksin  
Legal Group, PLLC,  
Defendants-Respondents.

M-1638  
Index No. 651439/11

-----X

Plaintiff-appellant C&D Development Corp. 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 May 24, 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 October 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 April 30, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Bank of America, National Association  
3476 Stateview Boulevard Ft. Mill,  
SC 29715,  
Plaintiff-Appellant,

-against-

M-477  
Index No. 109305/10

Frank Douglas,  
Defendant-Respondent,

New York City Department of Social  
Services, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for a stay of all proceedings, including discovery, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 5, 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 that the appeal is perfected for the September 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 April 30, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-921  
Ind. No. 400/12

David Morgenshtern,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 30, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-922  
Ind. No. 6121/82

Emiliano Marine,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of the Supreme Court, New York County, entered on or about November 26, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for 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 deeming the notice of appeal 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.

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 April 30, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

M-920  
Ind. No. 2940/11

John Walden,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 23, 2012, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

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 April 30, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Joanne Torchia and James Battista,  
Plaintiffs-Respondents,

-against-

M-949  
Index No. 306233/10

Richard C. Garvey, M.D., Rick  
Garvey, M.D., P.C. and Montefiore  
Medical Center - Weiler Division,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 10, 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 September 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 April 30, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Alexander Gliklad,  
Plaintiff-Respondent,

-against-

**M-911**  
Index No. 602335/09

Michael Cherney,  
Defendant-Appellant.

-----X  
Michael Cherney,  
Counterclaim-Plaintiff-Appellant,

-against-

Alexander Gliklad,  
Counterclaim-Defendant-Respondent.

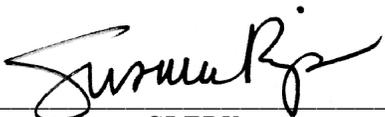
-----X

Defendant/counterclaim-plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about February 3, 2012 and July 19, 2012, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the September 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 April 30, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application  
of Akhtar Ali Sheikh,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1033**  
of the Civil Practice Law and Rules, Index No. 400197/12

-against-

New York City Taxi and Limousine  
Commission,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about June 18, 2012,

And an order of this Court having been entered on November 8, 2012 (M-3870), denying petitioner-appellant's motion for leave to prosecute the aforesaid appeal as a poor person,

And an order of this Court having been entered on January 24, 2013 (M-5669), denying petitioner's motion for clarification and/or reconsideration of the aforesaid order of this Court denying petitioner's motion for poor person relief (M-3870),

And petitioner having moved for reconsideration of the aforesaid order of this Court entered on November 8, 2012 (M-3870), and for an enlargement of time to perfect the aforesaid appeal,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid appeal to the September 2013 Term, and 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 April 30, 2013.

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-2902  
Ind. No. 3584/00

Jimmy Diaz,

Defendant-Appellant.

-----x

Defendant having moved for leave to deem the appeal from the order of the Supreme Court, New York County, entered on or about March 20, 2012, which denied **resentence**, as a timely filed notice of 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 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 April 30, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman  
Darcel D. Clark, Justices.

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

Mashon Baines,  
Petitioner-Respondent,

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

-against-

M-1551  
Index No. 402436/11

Elizabeth Berlin, as Deputy Executive  
Commissioner of the New York State  
Office of Temporary and Disability  
Assistance,  
Respondent-Respondent-Appellant,

Seth Diamond, as Commissioner of the  
New York City Department of  
Homeless Services,  
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 January 30, 2012,

And respondent-appellant-respondent having moved for an enlargement of time to perfect his appeal from the aforesaid order,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the October 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 April 30, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Nelson S. Román  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

Venecia Venturini,

Plaintiff-Respondent,

M-818

M-823

-against-

M-998

Index No. 305594/04

August Venturini,

Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 30, 2011 and March 26, 2012 (mot. seq. no. 014), respectively, by the above-named defendant-appellant pro se, and said appeals having been perfected,

And assigned counsel for the subject children having moved to adjourn the perfected appeals and to enlarge the record on appeal to include, under seal, a transcript of in-camera meetings of the subject children with the trial justice (M-818),

And plaintiff-respondent mother having moved for leave to respond the appeal as a poor person and for related relief (M-823),

And defendant-appellant father pro se having cross-moved for an order directing the subject children's assigned counsel to submit two forensic reports filed with the lower Court in 2005 and 2010 (M-998),

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

It is ordered that the motion by assigned counsel for the children is granted to the extent of adjourning the perfected appeals to the October 2013 Term and granting leave to enlarge the record on appeal to include the aforesaid transcripts of in-camera meetings of the subject children with the trial justice to be filed and maintained in this Court under seal (M-818),

The motion by plaintiff-respondent mother for leave to respond to said appeal as a poor person and for related relief is denied (M-823).

The cross motion by defendant-appellant father is granted to the extent of directing Jo Ann Douglas, Esq., assigned counsel for the children, to file with this Court the two aforesaid forensic reports filed with the lower Court in 2005 and 2010, respectively, said reports to be filed in this Court and maintained under "**seal**" (M-998).

ENTER:

  
CLERK

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

BEFORE: Hon. Darcel D. Clark  
Justice of the Appellate Division

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

M - 1666  
Ind. No. 3772/09

-against-

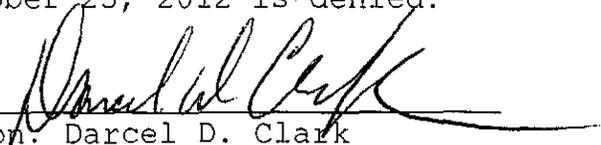
CERTIFICATE  
DENYING LEAVE

Alty Adamson,

Defendant.

-----X

I, Darcel D. Clark, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 25, 2012 is denied.

  
Hon. Darcel D. Clark  
Associate Justice

Dated: April 15, 2013  
New York, New York

ENTERED: **APR 30 2013**

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

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

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

M-1522  
Ind. No. 8910/88

-against-

CERTIFICATE  
DENYING LEAVE

Theadore Black,  
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 3, 2012 is hereby denied.

  
Associate Justice

Dated: *April 22*, 2013  
New York, New York

ENTERED: **APR 30 2013**

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

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

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

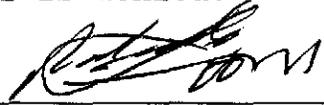
-against-

Alfred Charlemagne,

Defendant.  
-----X

M - 694  
Ind. Nos. 1563/85  
3003/85  
CERTIFICATE  
DENYING LEAVE

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from orders of the Supreme Court, New York County, entered on or about October 2, 2012 is denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: March 18, 2013  
New York, New York

ENTERED: **APR 30 2013**

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

Respondent,

M-1723  
Ind. No. 2550/11

-against-

Jose Delaespada

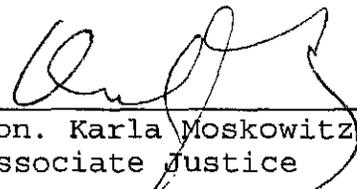
Defendant.

-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County, entered on or about, January 30, 2013,

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 granting defendant leave to file the certificate within 90 days from the date of entry hereof.

  
-----  
Hon. Karla Moskowitz  
Associate Justice

Dated: *April 17*, 2013  
New York, New York

ENTERED: APR 30 2013

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

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

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

M-1281  
Bronx Co.  
Ind. No.  
153/87

-against-

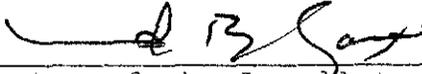
CERTIFICATE  
DENYING LEAVE

Phillip Erby,

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about November 13, 2012, is hereby denied.

Dated: *April 22, 2013*  
New York, New York

  
\_\_\_\_\_  
Justice of the Appellate Division

**ENTERED**

**APR 30 2013**

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

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

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

M-1015  
Bronx Co.  
Docket No.  
2008BX067901

-against-

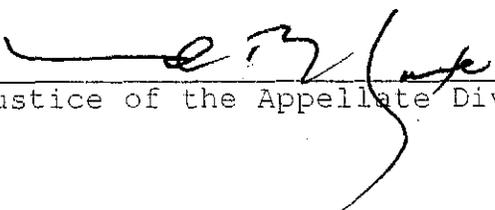
Daniel Franco,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about October 12, 2012, is hereby denied.

Dated: *April 22, 2013*  
New York, New York

  
Justice of the Appellate Division

ENTERED

APR 30 2013

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

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

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

M-1684  
Ind. No. 9258/94

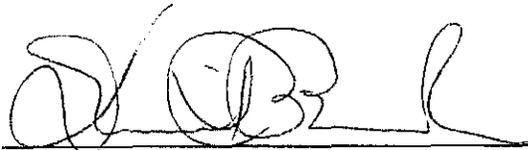
-against-

CERTIFICATE  
DENYING LEAVE

Franklyn Frias,  
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 18, 2012 is hereby denied.



Associate Justice

Dated: April 22, 2013  
New York, New York

ENTERED: APR 30 2013

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

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

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

M-1695  
Ind. No. 4402/90

-against-

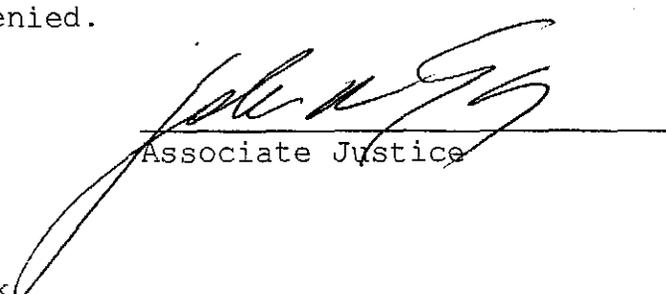
CERTIFICATE  
DENYING LEAVE

Khalib Gould,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 21, 2012 (Edward McLaughlin, J.) is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: April 15, 2013  
New York, New York

ENTERED: APR 30 2013

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-1682  
Ind. No. 8515/89

-against-

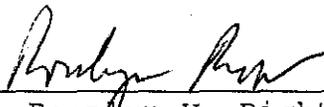
CERTIFICATE  
DENYING LEAVE

Michael Melendez,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 12, 2012, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: April 9, 2013  
New York, New York

ENTERED: **APR 30 2013**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-979  
Ind. No. 1332/91

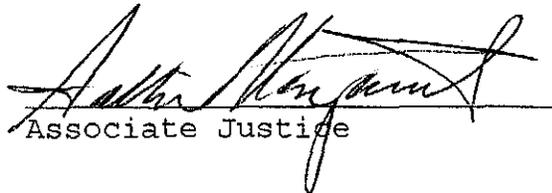
-against-

CERTIFICATE  
DENYING LEAVE

Tyrone Powell,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 31, 2012 is hereby denied.

  
Associate Justice

Dated: April 5, 2012  
New York, New York

ENTERED: APR 30 2013

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

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

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

M-1366  
Ind. No. 6461/92

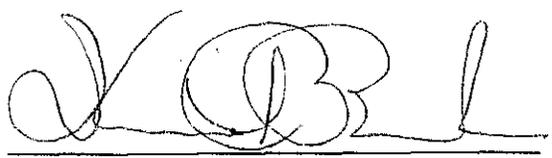
-against-

CERTIFICATE  
DENYING LEAVE

Sterling Taylor,  
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 28, 2011 is hereby denied.

  
Associate Justice

Dated: April 22, 2013  
New York, New York

ENTERED: **APR 30 2013**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-5547  
Ind. No. 6807/89

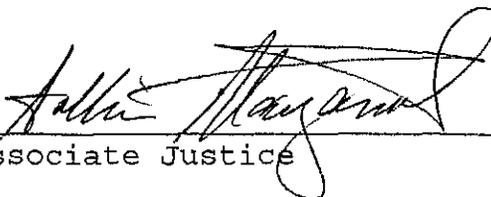
-against-

CERTIFICATE  
DENYING LEAVE

Jose Urena,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 10, 2011 is hereby denied.

  
Associate Justice

Dated: April 5, 2013  
New York, New York

ENTERED: APR 30 2013

PM ORDERS

ENTERED ON

APRIL 30, 2013

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 April 30, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
The State of New York,  
Petitioner-Respondent,

For Commitment Under Article 10 of the  
Mental Hygiene Law,

M-653  
Index No. 251233/10

-against-

Robert V.,  
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 25, 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.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2013.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Paul G. Feinman  
Judith J. Gische  
Darcel D. Clark, Justices.

-----x  
Macy's, Inc., et al., M-2191  
Plaintiffs-Appellants, SEALED  
-against- Index No. 650197/12

Martha Stewart Living Omnimedia, Inc.,  
Defendant-Respondent.  
-----  
Macy's, Inc., et al.,  
Plaintiffs-Appellants,  
-against- Index No. 652861/12

J.C. Penney Corporation, Inc.,  
Defendant-Respondent.  
-----x

Plaintiffs-appellants having moved for relief in the nature of a preliminary appellate injunction against defendant-respondent J.C. Penney Corporation, Inc., for expansion of a certain preliminary injunction granted by the Supreme Court, New York County, on or about July 30, 2012, and for related relief, pending hearing and determination of an appeal taken from the order of the Supreme Court, New York County, entered on or about April 15, 2013,

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, and the interim order of a Justice of this Court dated April 18, 2013, to the extent any relief was afforded, is vacated.

ENTER:

  
CLERK

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

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

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

M-1547  
Ind. No. 4958/95

-against-

CERTIFICATE  
DENYING LEAVE

Sean Davis,  
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 14, 2012 is hereby denied.

  
Associate Justice

Dated: April 22, 2013  
New York, New York

ENTERED: APR 30 2013