

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. Mazzairelli
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. Mazzarelli
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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-741, decided simultaneously herewith.)

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-897, decided simultaneously herewith.)

ENTER:


CLERK

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

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

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
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-

M-1638
Index No. 651439/11

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

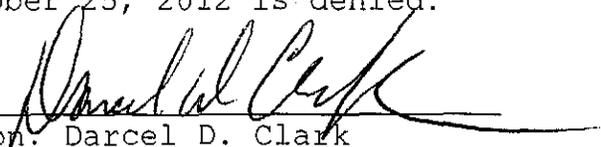
CERTIFICATE
DENYING LEAVE

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,

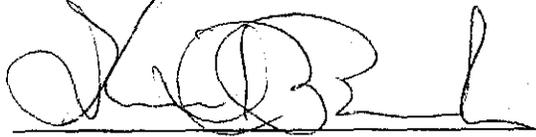
M-1522
Ind. No. 8910/88

-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,

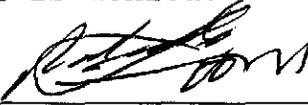
-against-

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

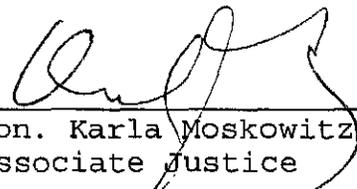
Defendant.

-----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-

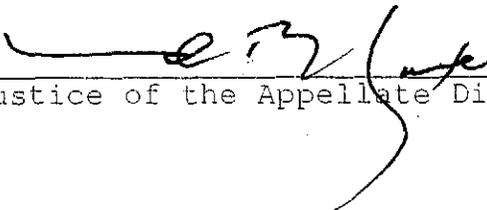
Daniel Franco,

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

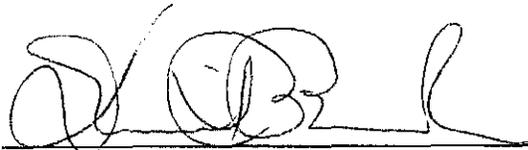
-against-

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-

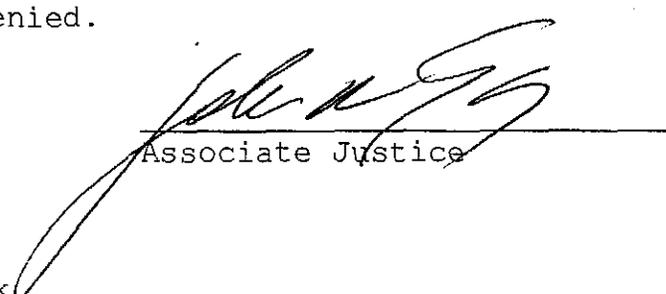
CERTIFICATE
DENYING LEAVE

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-

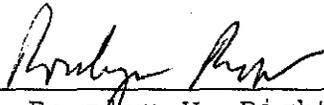
CERTIFICATE
DENYING LEAVE

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-

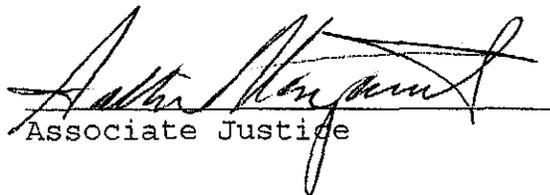
CERTIFICATE
DENYING LEAVE

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

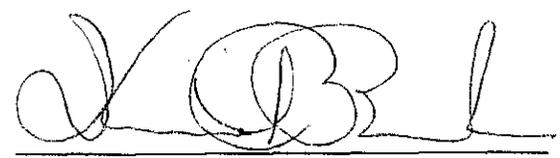
-against-

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

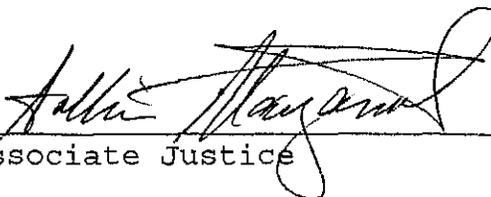
-against-

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.,
Plaintiffs-Appellants,

M-2191
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