





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

-----X  
St. George Tower and Grill Owners  
Corp.,

Plaintiff-Appellant,

-against-

M-4736X  
Index No. 651746/12

Insurance Company of Greater New York,

Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 20, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 11, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK





(M-4136/M-4343)  
(M-4465/M-4467)

-2-

December 19, 2013

Now, upon reading and filing the papers with respect to the motion and cross motions, and the stipulation of the parties dated September 11, 2013, and due deliberation having been had thereon,

It is ordered that the appeals and motions are deemed withdrawn, the underlying action having been settled.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5823  
Ind. No. 3101/12

Ramel Blount,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5824  
Ind. No. 1106N/13

Rogério Bentodelima,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 11, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5825  
Ind. No. 1679/13

Sabrina Carroll,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

Daniel J. Conklin,  
Defendant-Appellant.

M-5826  
Ind. No. 4252/10  
Case No. 53957/10

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 8, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5828  
Ind. No. 3712/12

Delsio Hilario,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5830  
Ind. No. 588/13

Phillip Kindricks,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 11, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5831  
Ind. No. 3714/12

Walter Lascano,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 8, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5832  
Ind. No. 2526/13

Melody Macken,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5833  
Ind. No. 3259/12

Sergio Salinas,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 3, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5834  
Ind. No. 3602/11

Bradley A. Schiefelbein,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 2, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5835  
Ind. No. 5268/12

Kaseem Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 3, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

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

-against-

M-5836  
Ind. No. 86/13

Negro L. Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
Richard T. Andrias  
Leland G. DeGrasse, Justices.

-----x  
VBH Luxury, Incorporated,  
Plaintiff,

M-4611

-against-

Index No. 111342/07

940 Madison Associates LLC,  
Defendant-Appellant.  
-----

940 Madison Associates LLC,  
Third-Party Plaintiff-Appellant,

-against-

Excelsior Insurance Company,  
Third-Party Defendant-Respondent,

Index No. 590589/09

-and-

The American Insurance Company,  
Third-Party Defendant.  
-----x

Third-party 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 30, 2011,

Now, upon reading and filing the papers with respect to the motion, and the corrected stipulation of the parties dated September 17, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn, and the motion is 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 December 19, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Nancy Waldbaum Nimkoff,  
Plaintiff-Respondent,

-against-

M-5665  
Index No. 350768/02

Ronald A. Nimkoff,  
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2012 and from an order of the same Court entered on or about October 8, 2013, respectively, and the appeal from the order entered October 8, 2013 having been perfected,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order entered on or about December 4, 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 from the order entered December 4, 2012 to on or before January 27, 2014 for the April 2014 Term, to which term the perfected appeal is adjourned. The Clerk is directed to calendar the appeals for hearing together if the appeal from the December 4, 2012 order is so perfected.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Seth Mitchell,  
Plaintiff-Appellant,

-against-

M-5918  
Index No. 108597/11

Cantor Fitzgerald, L.P., et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about November 29, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2014 Term and otherwise denied.

ENTER:

  
CLERK

**CORRECTED ORDER - January 31, 2014**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----x  
In the Matter of the Application for  
the Appointment of a Guardian For the  
Person and Property Management of

Cherry Elizabeth,  
Petitioner-Appellant,

M-5954  
Index No. 2750/13

3572 GL LLC,  
Respondent-Respondent.  
-----x

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about October 25, 2013,

And petitioner-appellant having moved 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.

CORRECTED ORDER - January 31, 2014

(M-5954)

-2-

December 19, 2013

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Maria A. Karpov,  
Plaintiff-Appellant,

-against-

**M-5872**

Index No. 307847/09

Andrei Shiryaev,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 24, 2012,

And defendant-respondent pro se having moved for an order striking plaintiff-appellant's appeal, and for related relief,

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

Ordered that the motion is granted to the extent of directing defendant to file forthwith a supplemental record which shall include the transcript of proceedings dated February 21, 2012 appearing at Exhibit 3 to the motion papers, without prejudice to defendant seeking costs directly on 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 December 19, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Helen E. Freedman  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Bank of New York, etc.,  
Plaintiff-Respondent,

-against-

M-5219  
Index No. 116822/06

Jonathan M. Hunt, also known as  
Jonathan McIndoe Hunt, etc., et al.,  
Defendants,

Paul C. Lounsbury, also known as Paul  
Craig Lounsbury, heir to the Estate  
of Lavina Nihoul Lounsbury, also known  
as Lavina Lounsbury,  
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 13, 2012, and from the same Court and Justice entered on or about February 13, 2013, respectively,

And defendant-appellant pro se having moved for an enlargement of time to perfect the appeal from the order entered on or about December 13, 2012,

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

It is ordered that the motion is denied, and both of the appeals are dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1587  
Ind. No. 5416/92

Carlos Santana,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 9, 1997 (Appeal No. 59474), unanimously affirming a judgment of the Supreme Court, Bronx County (David Stadtmauer, J.), rendered on June 23, 1994,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x  
Statewide Management Group, Inc.,

Plaintiff,

-against-

M-6017  
Index No. 104520/12

Intrepid Museum Foundation, etc.,  
et al.,

Defendants.  
-----x

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 20, 2013, or for other relief,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x  
James P. McGinnis, Jr.,

Plaintiff-Respondent,

-against-

M-5897  
Index No. 350117/12

Jodi A. McGinnis,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about November 7, 2013 (mot. seq. nos. 003, 005),

And defendant-appellant having moved to stay the orders of visitation pending hearing and determination of the appeal taken therefrom, and for other relief,

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

It is ordered that the motion is denied, without prejudice to further proceedings by defendant in Supreme Court, New York County, upon production of new evidence including, but not limited to, a forensic report referenced if so advised, and without prejudice to subsequent proceedings in this Court. The interim relief granted by the order of a Justice of this Court dated November 8, 2013, is vacated.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
Lola Smith,  
Plaintiff-Appellant,  
-against-  
New York City Housing Authority,  
Defendant-Respondent.  
-----X

M-5771  
M-5947  
Index No. 300361/09

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 9, 2012,

And an order of this Court having been entered on December 20, 2012 (4634), denying plaintiff-appellant's motion for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have said appeal heard on the original record and upon a reproduced appellant's brief, and related relief,

And plaintiff-appellant having moved for the aforesaid relief (M-5771),

And defendant-respondent having cross-moved to dismiss the appeal for failure to timely perfect (M-5947),

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 said plaintiff-appellant's motion is denied as academic, said relief having been denied by an order of this Court on December 20, 2012 [M-4634], and plaintiff-appellant having presented no new or additional information (M-5771). The cross motion is granted and the appeal is dismissed (M-5947).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
Accounting by Lyndsay Howard-Zita,  
Ercil Howard-Wroth and Melvin J.  
Zalel, as Executors of the Estate  
of Nathan S. Howard, Deceased,  
Petitioners-Appellants,

-against-

M-5603  
File No. 1660A-05

Gerard Penneroux,  
Objectant-Respondent.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about December 29, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Helen E. Freedman  
Judith J. Gische, Justices.

-----x  
Ronald Clindinin,

Plaintiff-Respondent,

-against-

M-5938  
Index No. 109954/10

New York City Housing Authority,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 30, 2013, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of the appeal for failure to timely perfect (CPLR 5513[a]),

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

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

-----X  
Maria Torres,  
Plaintiff-Appellant,

-against-

M-5610  
Index No. 304476/10

J.C. Penney Corporation, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 4, 2011,

And defendants-respondents having moved for dismissal of the aforesaid appeal, for failure to timely perfect,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Oren Yerushalmy,  
Plaintiff-Respondent,

-against-

M-5858  
Index No. 604415/06

Ofer Resles,  
Defendant-Respondent,

554-556 Third Avenue LLC and  
554-556 Manager LLC,  
Non-Party Appellants.

-----X

Non-party appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about January 15, 2013 (mot. seq. no. 015),

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated November 5, 2013, 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 June 2014 Term, with leave to seek further enlargements if necessary, 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 December 19, 2013.

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

-----X  
Marie Flaherty,  
Plaintiff-Appellant,

-against-

M-5888  
Index No. 107310/11

CWCapital Asset Management, LLC,  
et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 29, 2013 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2014 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
61 Fifth Ave. LLC,  
Plaintiff-Respondent,

-against-

M-6078  
Index No. 101995/12

Wilshire Limited, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the consolidated appeals from an order of the Supreme Court, New York County, entered on or about June 18, 2012 (mot. seq. no. 002), an order of the said Court entered on or about July 11, 2012 and an order and judgment (one paper) of said Court entered on or about September 12, 2012, respectively,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 21, 2013, 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 May 2014 Term.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Richard Greene,  
Plaintiff-Appellant,

-against-

Starwood Hotels & Resorts Worldwide,  
Inc.,  
Defendant-Respondent.

M-5149  
Index No. 570725/12

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 11, 2012,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Suzanne Caruso,

Petitioner-Respondent,

-against-

M-5200  
Index No. 652686/12

Viridian Network, LLC, et al.,

Respondents-Appellants.

-----X

Petitioner-respondent having moved for reargument of the decision and order of this Court entered on September 10, 2013 (Appeal No. 10524N),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on September 10, 2013 (Appeal No. 10524N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 10524N, decided simultaneously herewith.)

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Daniel and Brenda Seller, etc.,  
Plaintiffs-Appellants,

-against-

Citimortgage, Inc.,  
Defendant-Respondent.

M-5956  
Index No. 652001/11

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the 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 enlarging the time to perfect the appeal to the April 2014 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Fort Washington Holdings, LLC,  
Petitioner-Respondent,

-against-

M-4182  
Index No. 570049/11

Maurice Abbott,  
Respondent-Appellant.

-----X

An order of this Court having been entered on June 4, 2013 (M-1257) granting respondent-appellant leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 15, 2012, continuing the stay granted by an order of a Justice of this Court dated March 4, 2013 on condition respondent-appellant pay a certain amount of use and occupancy commencing July 1, 2013 and on further condition respondent-appellant perfect his appeal on or before August 5, 2013 for the October 2013 Term, and said appeal having been heard,

And petitioner-respondent having moved to modify the aforesaid order of this Court entered on June 4, 2013 (M-1257) to pay ongoing use and occupancy in an amount petitioner claims to represent the current lawful rent, and/or to direct respondent-appellant to post a certain undertaking,

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

P.M ORDERS  
FOR  
DECEMBER  
19, 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 December 19, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
Morris Greenzweig,  
Plaintiff,

-against-

Kenmare Mott Realty Associates, Inc., M-5993  
et al., Index No. 152160/12  
Defendants-Respondents,

-and-

Yaakov Rooz,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 29, 2013,

And defendant-appellant having moved for a stay of the appointment, and exercise of any related powers by, the temporary receiver of the subject property in dispute, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK