

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 July 9, 2013.

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

-----X  
Tsutomu Nakai,  
Plaintiff-Respondent,

-against-

M-2870X  
Index No. 150390/12

New York City Transit Authority,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 9, 2013.

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

-----X  
Isabel Almanzar,  
Plaintiff-Respondent,

-against-

M-2871X  
Index No. 304238/10

Nyll Management Ltd.,  
Defendant-Appellant,

"John Doe",  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 19, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 20, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 9, 2013.

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

-----X  
Alonzo Dixon,  
Plaintiff-Respondent,

-against-

M-2873X  
Index No. 304643/09

Hagi Dukureh,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 7, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 21, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 9, 2013.

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

-----X  
Shrivinor Management Co., Inc.,  
Plaintiff-Respondent,

-against-

M-2874X  
Index No. 304844/12

Montefiore Medical Center, et al.,  
Defendants,

Mega Contracting, Inc. and Mega  
Contracting GP, LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 8, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 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 July 9, 2013.

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

-----X  
Ronald Rodriguez, As Administrator  
of the Estate of Anna Rodriguez,  
Deceased,  
Plaintiff-Respondent,

-against-

M-2876X  
Index No. 306801/09

The Jewish Home and Hospital Life  
Care System,  
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about March 29, 2012 and June 26, 2012, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 20, 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 July 9, 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-2356**  
Ind. Nos. 47/12  
18/12

Uquinn Banks, also known as J.D. Leather,  
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 April 16, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Dennis J. Doody, Esq., c/o George McKeegan, 120 White Plains Rd., Ste. 125, Tarrytown, NY 10591, Telephone No. (212) 661-4200, 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



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 July 9, 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-2489  
Ind. No. 6116/99

Miguel Acosta, also known as  
Napoliner Talabero,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about May 29, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 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-2491  
Ind. No. 2182N/10

Cian Alexander, also known as Alexander  
Cían,  
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 April 16, 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) two transcripts 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



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



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

ENTER:

  
CLERK



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



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

ENTER:

  
CLERK



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



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



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



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



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



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



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



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 July 9, 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-2508  
Ind. No. 5795N/10

Ricky Vines, also known as Rickey  
Vines,

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 April 1, 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) two transcripts 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 July 9, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Paul G. Feinman, Justices.

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

Respondent,

-against-

Marc Rowley,

M-2245  
Ind. No. 3842/09  
Case No. 61187C/09

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 24, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Paul G. Feinman, Justices.

-----X  
In the Matter of the Application for  
Adoption of the Child,

Camille A. W.,

A Child Under the Age of 18 Years of  
Age Alleged to be Abandoned.

**CONFIDENTIAL**

M-1813A

- - - - -  
Mr. W. and Ms. R.-W.,  
Petitioners-Respondents,

Docket No. A-17839/11

-against-

Camille W., Sr.,  
Respondent-Appellant.

-----X

Patricia Moreno, Esq., attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 23, 2012, and said appeal having been perfected,

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, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, New York 10017, Telephone No. (212) 972-5430, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court and adjourning the appeal to the November 2013 Term. The order of this Court entered on May 16, 2013 (M-1813) is hereby recalled and 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 July 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Judith J. Gische, Justices.

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

-against- **M-2541**  
Ind. No. 1954/08

Nikko Simmons,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tallmer, J.) entered on or about April 25, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the 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 permitting the appeal to be heard on the original record 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 July 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Judith J. Gische, Justices.

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

Respondent,

-against-

**M-2498**

Ind. No. 79/12

Taylor Murphy,

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 March 4, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, James Kilduff, Esq., Esq., to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse  
Judith J. Gische, Justices.

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

-against-

**M-2370**

Ind. No. 6115/99

Dominick Florio,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of **resentence** of the Supreme Court, New York County, entered on or about March 2, 2012,

And an order of this Court having been entered on September 11, 2012 (M-3357) granting defendant poor person relief and assigning Robert S. Dean, Esq., on the appeal,

And defendant pro se having moved for an order permitting him to proceed pro se on the 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 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 July 9, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
Advanced Technique Fireworks, Inc.,  
Plaintiff-Respondent,

-against-

M-3018  
Index No. 112913/11

IMR Test Labs,  
Defendant-Appellant,

-and-

James Foster, 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 July 30, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 July 9, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Judith J. Gische, Justices.

-----X  
Juan Vargas,  
Plaintiff-Respondent,

-against-

M-2530  
M-2569

Peter Scalamandre & Sons, Inc., et al.,  
Defendants-Respondents-Appellants,

Index Nos. 302608/08  
83947/10

Rad & D'Aprile Construction Corp.,  
Defendant-Appellant-Respondent,

Total Safety Consulting, L.L.C.,  
Defendant,

AB Green Gansevoort, LLC.,  
Defendant-Respondent.

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

Defendants-respondents-appellants Peter Scalamandre & Sons, Inc. having moved for reargument of the decision and order of this Court entered on April 4, 2013 (Appeal Nos. 9715-9716) [M-2530],

And defendant-respondent AB Green Gansevoort, LLC. having moved for the same relief [M-2569],

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 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 July 9, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

Barbara Witchard,  
Plaintiff-Appellant,

-against-

Montefiore Medical Center,  
Defendant-Respondent.

-----X

M-1852

M-2315

Index No. 302953/09

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 28, 2013 (Appeal No. 9408) [M-1852],

And defendant-respondent having cross-moved for certain sanctions against plaintiff-appellant and counsel [M-2315],

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

It is ordered that the motion and cross motion are denied [M-1852/M-2315].

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 July 9, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-1731  
Ind. No. 12836/90

Tommy Tam,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 15, 1999 (Appeal No. 773), unanimously affirming a judgment of the Supreme Court, New York County (Richard T. Andrias, J.), rendered on July 8, 1992,

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 July 9, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

In the Matter of

Lexi Louise P., also known as Lexi P.,

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

- - - - -

The New York Foundling Hospital  
Petitioner-Respondent,

M-2415  
Docket No. B-33920/10

Luis A. P.,  
Respondent-Appellant.

- - - - -

Brad Martin, Esq.,  
Attorney for the Child.

-----X

Petitioner having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about November 23, 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 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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
In the Matter of

Jessica Marie C.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. Docket No. B-45155/10

-----  
Administration for Children's Services,  
and the Commissioner of Social Services  
of the City of New York, et al.,  
Petitioners-Respondents,

Anthony H.,  
Respondent-Appellant.

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

-----X  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.

M-3093

-----  
Anthony H.,  
Petitioner-Appellant,

Docket No. V-52398/11

-against-

Administration for Children's Services,  
the Commissioner of Social Services  
of the City of New York, and Edwin Gould  
Services for Children and Families  
Respondents-Respondents.

-----X

Petitioner/respondent-respondent, Edwin Gould Services for Children and Families, having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about May 21, 2012, for failure to timely perfect,

And respondent/petitioner-appellant father, Anthony H., through counsel's affirmation in response to the motion, having requested an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the November 2013 Term, to which Term respondent/petitioner-appellant's time to perfect the appeal is enlarged.

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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
In the Matter of

Jacquan F.,

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

M-2978  
Docket No. NN-33888/11

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

Alexis F.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 25, 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, Anne Reiniger, Esq., 801 Second Avenue, 10<sup>th</sup> Fl., New York, NY 10017, Telephone No. 212-972-5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes

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

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Juvondi R. Pender,  
Claimant-Appellant,

-against-

**M-1289**

Claim No. 118446

New York State, et al.,  
Respondents-Respondents.

-----X

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Court of Claims, New York County, entered on or about January 25, 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 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 June 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

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

Appellant,

-against-

M-3085  
Ind. No. 5329/02

Elias McFarland,

Defendant-Respondent.  
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County (Daniel Corviser, J.), entered on or about June 21, 2012 which, inter alia, downwardly modified defendant's classification under SORA,

And the People having moved for leave to prosecute the appeal upon the original record,

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. Sua sponte, the time to perfect appeal enlarged to on or before September 3, 2013 for the November 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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3051  
Case No. 78087C/09

Rafael Mejia,

Defendant-Appellant.

-----X

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 12, 2011, 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 enlarging the time to perfect the appeal to the November 2013 Term, and 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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
In the Matter of the Application of  
Richman Plaza Garage Corp.,  
Petitioner-Appellant,

For a Judgment Under Article 78 of  
the CPLR,

M-3071  
Index No. 260013/12

-against-

New York State Department of Housing  
and Community Renewal,  
Respondent-Respondent.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about June 12, 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 November 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 July 9, 2013.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Armand Retamozzo,  
Plaintiff-Appellant,

-against-

M-3221  
Index No. 113920/09

Diana Friedland, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 27, 2012, or in the alternative to enlarge the time to perfect said 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 appeal to the November, 2013 Term and otherwise denied, without prejudice to plaintiff's withdrawing the appeal, if so advised.

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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

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

**SEALED**

-against-

M-3148  
Ind. No. 1850/09

Brian Franqui, also known as "Luda",  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about April 8, 2011,

And the People having moved for a protective order sealing the Court's file and prohibiting dissemination of the briefs, transcripts, or any other papers in the record on appeal to any members of the public, defendant, his family or associates,

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, the Court file is so sealed, and any dissemination of the briefs, transcripts, or any other papers in the record on appeal to any members of the public, the defendant, his family or associates is hereby prohibited.

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 July 9, 2013.

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

-----X

In re Kuriakose Mathew,  
Petitioner-Appellant,

-against-

M-2164  
Index No. 100741/11

Coler Goldwater Specialty Hospital  
and Nursing Facility, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2013 (Appeal No. 9370),

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 July 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
Susan Angel,  
Plaintiff,

-against-

**M-3004**  
Index No. 350072/05

Christopher O'Neill,  
Defendant.  
-----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 May 6, 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.

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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
In the Matter of the Application of

R.B., on behalf of his minor child  
S.K.; etc., et al.,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78  
of the CPLR, etc.,

**M-3181**  
Index No. 100738/13

-against-

The Department of Education of the  
City of New York, formerly known as  
The Board of Education of the City  
School District of the City of  
New York, etc., et al.,  
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 10, 2013,

And petitioners-appellants having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 enjoining respondents from notifying any students of placement into the New York City's Gifted and Talented Program using so called "current methodology", for a preference in hearing of the appeal, and for other relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
Board of Managers of the 542 LaGuardia  
Place Condominium, on behalf of  
542 LaGuardia Place Condominium,  
Plaintiff-Respondent,

-against-

M-3070  
Index No. 106241/11

Defcofin LLC, also known as Decofin LLC,  
Defendant-Appellant,

Gowanus Inn, Inc.,  
Intervenor-Appellant,

James McGown,  
Intervenor.

-----x  
Defendant-appellant and intervenor-appellant, Gowanus Inn, Inc., having jointly moved for a stay of enforcement of post judgment orders entered on or about March 19, 2013 and February 27, 2013, 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.

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 July 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Marc A. Landis,

Temporary Guardian of the Property,  
for the Appointment of Guardians for:

**M-1545**  
Index No. 500155/10

Lea D., also known as Claire H.,  
also known as Claire D.,

An Alleged Person in Need of a Guardian.

-----  
Marc A. Landis,  
Petitioner-Respondent,

David Debora,  
Cross Petitioner-Appellant,

Lea C. Debora,  
Respondent-Respondent.

-----X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2012, and said appeal having been perfected,

And appeals having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 20, 2012, and from orders of said Court, entered on or about December 18, 2012 and on or about February 20, 2013,

And petitioner-respondent having moved to stay certain portions of the order of Supreme Court, New York County, entered on July 20, 2012, to allow the Firm of Goldman and Geist to continue their representation of petitioner-respondent Landis,

for an enlargement of time to perfect the appeal from the order and judgment (one paper) entered on or about July 20, 2012, and to consolidate all appeals,

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

Ordered that the motion is granted to the extent of consolidating all of the aforesaid unperfected appeals on condition said unperfected appeals are perfected for the November 2013 Term; enlarging the time to perfect the appeal taken from the order and judgment (one paper) entered on or about July 20, 2012 to said November 2013 Term and directing the Clerk to calendar the unperfected appeals for hearing together with the perfected appeal from the order entered on or about March 12, 2012, on the same day in the November 2013 Term, to which term the perfected appeal is adjourned; allowing cross petitioner-appellant David Debora to retain counsel of his choosing at his own expense, for purposes of the aforesaid appeals without prejudice to cross petitioner-appellant David Debora in his capacity as guardian, raising issues with respect to retention of counsel and responsibility for attorneys' fees in the appropriate brief; and the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
In the Matter of a Proceeding for  
Visitation Pursuant to Article 6  
of the Family Court Act.

-----  
Michael B. M., M-3135  
Petitioner-Appellant, Docket Nos. V-8087-07/12C  
V-8919-07/12J  
-against-

Gnama I.,  
Respondent-Respondent.

-----X

Lauren M. Friend, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 10, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Richard Medina,

Plaintiff-Respondent,

-against-

M-3069  
Index No. 311303/11

New York City Police Department,  
et al.,

Defendants-Appellants.  
-----X

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

And defendants-appellants having moved for confirmation that the automatic stay pursuant to CPLR 5519(a)(1) is in effect or, in the alternative, for a discretionary stay of the *in camera* production of personnel records directed by the order being appealed,

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 confirming that an automatic stay is in effect and precludes enforcement of so much of the order appealed from as requires defendants to produce the documents in question for *in camera* review.

ENTER:

  
CLERK

CORRECTED ORDER - July 12, 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 July 9, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
Proceedings of Kevin Aoki, Kana Aoki  
Nootenboom, Kyle Aoki and Kenneth  
Podziba,

As Trustees of the Benihana Protective  
Trust, etc.

M-1396  
File No. 2604/2008

- - - - -  
Keiko Ono Aoki, etc.,  
Plaintiff-Respondent,

Devon Aoki and Steven Aoki,  
Respondents-Appellants.

-----X

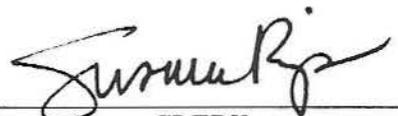
An appeal having been taken from a decree of the Surrogate's Court, New York County, entered on or about March 5, 2013,

And respondents-appellants having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court on March 12, 2013, on condition the appeal is perfected on or before **August 5, 2013** for 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 July 9, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
National Casualty Company, etc.,  
Plaintiff-Respondent,

-against-

M-2575  
Index No. 105494/06

American Home Assurance Company,  
Defendant,

Chubb Indemnity Insurance Company,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for vacatur of the decision and order of this Court entered on January 22, 2013 (Appeal No. 9048-48A & M-5946),

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 July 9, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X  
Rolf Brumme,  
Plaintiff-Appellant,

-against-

M-2292  
Index No. 22900/05

Riverbay Corporation,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 27, 2012, for failure to timely perfect,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

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

Carlton M. Edwards, Sr.,  
Petitioner,

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

M-2519  
Index No. 400495/12

-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 July 17, 2012, to review a determination of respondent,

And respondent having moved for dismissal of the aforesaid proceeding for failure to timely perfect,

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

It is ordered that the motion is granted and the proceeding 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 July 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against- M-2380  
Ind. No. 4213/12

Justin Wooten,  
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 March 28, 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) 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 July 9, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against-

Chris Wingate,  
Defendant-Appellant.

**M-2390**  
Ind. Nos. 5134/11  
1395/12

-----X

Defendant having moved for an extension of time in which to file notices of appeal from judgments of the Supreme Court, New York County, both rendered on or about March 11, 2013, for leave to prosecute the appeals as a poor person upon the original record(s) 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 notices of appeal as timely filed and permitting the appeals to be heard on the original record(s), 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(s), 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 appeals. The time within which appellant shall perfect the appeals is hereby enlarged until 120 days from the date of filing of the record(s).

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 July 9, 2013.

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

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

-against-

M-1276  
Ind. No. 600/09

Luis Marcano,  
Defendant.

-----X

An order of this Court having been entered May 31, 2012 (M-1535) denying defendant's motion for an extension of time to file an untimely notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 17, 2010, and for related relief,

And defendant, pro se, having moved for relief in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for renewal and/or reargument of the aforesaid order of this Court entered on May 31, 2012 (M-1535),

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 July 9, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

In the Matter of the Application  
of Margaret L. Donovan, The Twin  
Towers Alliance,  
Petitioner,

-against-

M-2290  
Index No. 111865/11

Judge Warren P. Hauben, etc.,  
Respondent.

-----X

Petitioner having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 24, 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 denied, sua sponte 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 July 9, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2427  
Ind. No. 8162/02

Angel Rios,  
Defendant-Appellant.

-----X

Defendant 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 April 23, 2013, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

**M-2426**  
Ind. No. 7837/95

Andrew L. Postelli,  
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

Fernando Tamarez,

Defendant-Appellant.  
-----X

M-2409  
Ind. No. 3832N/12

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 February 26, 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 deeming the notice of appeal timely filed.

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 July 9, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2423  
Ind. Nos. 4505/07

Thomas Bond, also known as Thomas  
Barnes,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 18, 2011 (M-5982), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 13, 2013, under Indictment No. 4505/07, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of **resentence** of said Court rendered on or about October 12, 2012 under the same indictment number,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of **resentence** of said Court rendered on or about October 12, 2012 under the same indictment number, and extending the poor person relief previously granted to cover same.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 9, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Sulay Lageyre, an infant by her mother and natural guardian Janny Paulino, and Janny Paulino, individually,

Plaintiffs-Appellants,

**M-2566**  
Index No. 20416/05

-against-

New York City Transit Authority  
and Raymond A. Black,

Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 3, 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

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-3016  
Ind. Nos. 6014/03  
3399/03

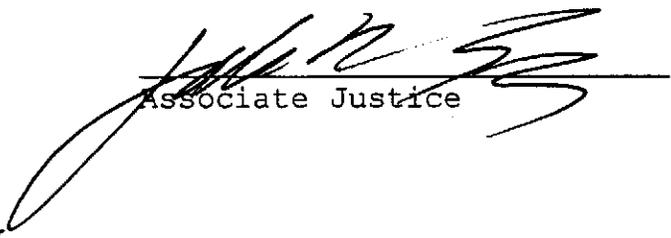
-against-

CERTIFICATE  
DENYING LEAVE

Anelin Pereyra, a/k/a Junior Polanco,  
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, dated on or about April 18, 2013 (Analisa Torres, J.) is hereby denied.

  
Associate Justice

Dated: June 26, 2013  
New York, New York

ENTERED: **JUL 09 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-1503  
Ind. No. 16/95

-against-

CERTIFICATE  
DENYING LEAVE

Charles Smith,  
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 September 10, 2012 is hereby denied.

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

Dated: *May 23*, 2013  
New York, New York

ENTERED: **JUL 09 2013**

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M-2531  
Ind. No. 5157/71

-against-

CERTIFICATE  
DENYING LEAVE

Bernard DeVeaux,

Defendant.

-----X

I, Helen E. Freedman, 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, New York County, entered on or about March 19, 2013 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: May 22, 2013  
New York, New York

ENTERED: **JUL 09 2013**

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-2410  
Ind. No. 10511-97

-against-

CERTIFICATE  
DENYING LEAVE

Robert Rolland,  
Defendant.

-----X

I, Judith J. Gische, 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 orders of the Supreme Court, New York County (Cassandra M. Mullen, J), entered on or about March 4, 2013 is hereby denied.

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

Dated: May 21, 2013  
New York, New York

ENTERED: **JUL 09 2013**

PM ORDERS  
ENTERED ON  
JULY 9, 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 July 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
In the Matter of a Proceeding for  
Visitation Pursuant to Article 6  
of the Family Court Act.

-----  
Michael B. M., M-3135  
Petitioner-Appellant, Docket Nos. V-8087-07/12C  
V-8919-07/12J  
-against-

Gnama I.,  
Respondent-Respondent.

-----X

Lauren M. Friend, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 10, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x

Harvardsky Prumyslovy Holdings A.S.,  
- V Likvidaci,

Plaintiff-Appellant,

-against-

M-3177

Index No. 651826/12

Viktor Kozeny, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 10, 2013 (mot. seq. nos. 001, 002),

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid order which removed a restraint of defendant's accounts held at Wells Fargo, pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of reinstating the terms of the Supreme Court's Temporary Restraining Order entered on or about June 4, 2012, pending hearing and determination of the appeal, on condition the appeal is perfected on or before September 3, 2013 for the November 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 July 9, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
David B. Saxe  
Karla Moskowitz, Justices.

-----x  
Orly Genger, in her individual capacity  
and on behalf the Orly Genger 1993  
Trust, etc.,  
Plaintiff-Respondent,

-against-

M-3189  
Index No. 109749/09

Dalia Genger, et al.,  
Defendants,

Leah Fang and TPR Investment  
Associates,  
Defendants-Appellants.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 31, 2013 (mot. seq. nos. 013-016),

And defendants-appellants having moved for a stay of all trial court proceedings 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, and the interim relief granted by the order of a Justice of this Court dated June 12, 2013, is vacated.

ENTER:

  
CLERK