

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 March 19, 2013.

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

-----X  
In the Matter of

Jose U. and Edward P.,

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

**M-5000**  
Docket No. NA 16341-42/12

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Commissioner of Social Services of  
the City of New York,  
Petitioner-Respondent,

Amaril C.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Attorney for Child, Jose U.,

Rina Mais, Esq.,  
Attorney for Child, Edward P.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about August 22, 2012,

Now, upon reading and filing the stipulation of the parties hereto, filed October 23, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

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

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Rolando T. Acosta  
David B. Saxe, Justices.

-----X  
DLJ Mortgage Capital, Inc.,  
Petitioner-Respondent,

-against-

Jeffrey Siegel, Richard Siegel,  
and June Siegel, Individually and  
as the Personal Representative of  
the Estate of Seymour Siegel, et al.,  
Respondents-Appellants,

Thomas Kontogiannis, et al.,  
Respondents.

-----X

**M-5798**  
Index Nos. 104675/10  
150095/12

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 12, 2012 and July 27, 2012, respectively,

And respondents-appellants having moved for consolidation of the aforesaid appeals,

Now, upon reading and filing the correspondence of counsel for respondents-appellants, dated January 7, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK

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

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

-----X

Derek Dent,

Plaintiff-Appellant,

-against-

M-196

Index No. 302390/07

Corlear Gardens Housing Co. Inc.,  
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, Bronx County, entered on or about April 18, 2012,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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

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

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

-against-

M-562  
Ind. No. 5369/82

David Zaire,  
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 (Nuñez, J.) entered on or about December 18, 2012, 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 Nuñez as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 March 19, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

-----X  
Aniberca Rosario,

Plaintiff-Appellant,

-against-

Marie Anyanechi, et al.,

Defendants-Respondents.  
-----X

**M-5703**

Index No. 301302/08

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 18, 2011,

And plaintiff-appellant having moved to enlarge the time to perfect the aforesaid appeal,

Now, upon reading and filing the correspondence for plaintiff-appellant, dated January 7, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

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

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

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

Antoine R. A.,  
Petitioner-Appellant,

-against-

M-455  
Docket Nos.  
V-08941-11/12F  
V-10735-11/12F

Theresa M.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Dismissal of the Family Court, Bronx County, entered on or about January 3, 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 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

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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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 March 19, 2013.

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

-----X  
Anron Heating and Air Conditioning,  
Inc., et al.,  
Plaintiff-Respondent,

-against-

M-618  
Index No. 302331/11

AMMC Corp., Charles Marino,  
and Liberty Mutual Company,  
Defendants-Appellants,

New York City School Construction  
Authority, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 10, 2012,

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

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

ENTER:

  
CLERK

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

PRESENT: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-----  
George H.,  
Plaintiff-Respondent,

-against-

Q-Tara H.,  
Petitioner-Respondent-Appellant.

M-432  
Docket Nos. V-17201-11  
V-17202-11  
V-20544-08  
V-20545-08

-----X  
Petitioner-respondent-appellant mother having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about June 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 denied as presently unnecessary, Rule 600.11(a)[3], with leave to renew, in the event the appeal is not perfected on or before April 16, 2013.

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 March 19, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
Gilbert R. Lahn,  
Plaintiff-Appellant,

-against-

**M-4334**  
Index No. 114773/10

Toyota Motor Credit Corp.,  
Defendant-Respondent,

Peter I. Glassman,  
Defendant.

-----X

An appeal having been taken by plaintiff from an order of the Supreme Court, New York County, entered on or about November 2, 2011, and from a judgment of said Court entered on or about October 14, 2011, respectively,

And defendant-respondent having moved for dismissal of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the "Notice to Withdraw the Appeal" submitted by plaintiff-appellant dated October 19, 2012, and the correspondence of counsel for defendant-respondent, dated October 22, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and defendant's motion to dismiss said appeal are deemed withdrawn in accordance with the aforesaid notice and correspondence.

ENTER:

  
CLERK

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Stephen Hamilton,  
Plaintiff-Respondent,

-against-

M-5564  
Index No. 111606/10

Barr & Barr, Inc.,  
Defendant-Appellant,

Phelps Memorial Hospital Corporation,  
Defendant-Respondent.  
-----X

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

And defendant-appellant having moved to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

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

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

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

-against-

M-422  
Ind. No. 2327/11

Leonard Nesbitt,  
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 (Carruthers, J.) entered on or about November 14, 2012, 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 Carruthers as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 March 19, 2013.

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

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

-against-

M-656  
Ind. No. 1957/12

Alejandro Morales,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 21, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 March 19, 2013.

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

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

-against-

M-383  
Ind. No. 3350/11

James C. Chisholm,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 17, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 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 March 19, 2013.

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

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

-against-

M-389  
Ind. No. 3090/12

Nicholas Mina,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 28, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, 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 March 19, 2013.

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

-----X

In the Matter of the Application of

Elaine Ward,  
Petitioner,

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

-against-

M-411  
Index No. 100341/12

The City of New York, et al.,  
Respondents.

-----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 March 3, 2012,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding,

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 proceeding to the September 2013 Term.

ENTER:

  
CLERK

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

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

-----X

In the Matter of the Application of

Gaoussou Kane,  
Petitioner-Respondent,

For an Order Pursuant to Article 75  
of the Civil Practice Law and Rules

-against-

M-462  
Index No. 102890/11

Fiduciary Insurance Company of  
America,  
Respondent-Appellant.

-----X

Respondent-appellant 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 30, 2012 (mot. seq. no. 002),

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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

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

-----X  
Orthotec, LLC,  
Plaintiff-Respondent,

-against-

M-779  
Index No. 601377/08

Healthpoint Capital, LLC, et al.,  
Defendants-Appellants,

Scient'X, S.A.,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 2, 2012, and said appeal having been perfected,

And defendants-appellants having moved for leave to file a supplemental record on appeal to include certain exhibits to the affirmation of Colleen M. Carey, Esq. submitted in support of the motion,

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, defendant's reply brief is stricken and the appeal is adjourned to the May 2013 Term. Defendants directed to resubmit a reply brief which deletes all references to the aforesaid exhibits for said May 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 March 19, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

In the Matter of the Application of  
Hakim Quick, Jr., an Infant by his  
Mother and Natural Guardian, Theresa  
Wilson,

Petitioner-Respondent,

**M-5177**

Index No. 350521/10

-against-

The New York City Health and Hospitals  
Corporation,

Respondent-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 10, 2011, and said appeal having been perfected,

And petitioner-respondent having moved for an extension of time to file a respondent's brief,

Now, upon reading and filing the stipulation of the parties hereto, dated November 21, 2012, and due deliberation having been had thereon,

It is ordered that 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 March 19, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Nelson S. Román  
Judith J. Gische, Justices.

-----X

Edwin Raposo, an Infant by his  
Mother and Natural Guardian,  
Brigida Raposo Rodriguez,  
Individually,  
Plaintiffs-Appellants,

**M-4734**

Index No. 113188/09

-against-

New York Presbyterian Hospital/  
Weill Cornell Medical Center,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 23, 2011,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 9, 2012, withdrawing plaintiffs' notice of appeal from the subsequent judgment of said Court entered on or about October 31, 2011, pursuant to the aforesaid order, and due deliberation having been had thereon,

It is ordered that the motion and both of the aforesaid appeals are deemed withdrawn in accordance with the aforesaid stipulation, the appeal from the order having been subsumed in the appeal from the aforesaid judgment.

ENTER:

  
CLERK

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

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X  
Richard Aviles,  
Plaintiff-Appellant,

-against-

M-207  
Index No. 300107/10

Katty Villapando, 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, Bronx County, entered on or about April 5, 2012,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
Karen Meredith, Individually, and  
Karen Meredith as administrator of  
The Estate of James Meredith,  
Deceased,  
Plaintiff-Respondent,

-against-

M-238  
Index No. 112130/09

Bauman & Kunkis, P.C., Bert Bauman,  
Roger M. Kunkis, Christopher L. Vargas,  
Defendants-Appellants,

Siben & Siben, LLP,  
Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 20, 2012,

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

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

ENTER:

  
CLERK

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

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

-against-

M-333  
Ind. No. 1285/06

Michael Ross,  
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 (Obus, J.) entered on or about January 3, 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 Obus 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 March 19, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-326  
Ind. No. 4892N/11

Damon Flagg,

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 November 14, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$25,000 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 March 19, 2013.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X

In the Matter of the Application for  
The Guardianship and Custody of

Jaileen X. M., and  
Jasmin L. M.,

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

-----  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

M-247  
Docket Nos. B-28208-9/09

Annette M.,  
Respondent-Appellant,

Herve M.,  
Respondent-Appellant.

-----  
Michael S. Bromberg, Esq.,  
Attorney for the Children.

-----X

Geotz Vilsant, Esq., attorney for the subject children, having moved on the childrens' behalf for leave to respond, as a poor persons, to the appeals from Orders of Commitment of the Family Court, Bronx County, both entered on or about August 28, 2012, 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, Michael Bromberg, Esq., 44 Hampton Street, Sag Harbor, NY 11963, Telephone No. 631-725-0641, as counsel for purposes of responding to the appeals; (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 attorneys for respondents-appellants and 8 copies thereof are filed with this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 March 19, 2013.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-537  
Ind. No. 5272/07

Kelly McTiernan,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 26, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2013 Term.

ENTER:

  
CLERK

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

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Solco Plumbing Supply, Inc.,  
Plaintiff-Respondent,

-against-

M-173  
Index No. 106217/07

Scott Yaffee, Esq.,  
Defendant,

Highlands Insurance Co.,  
Defendant-Appellant,

John Rusin, et al.,  
Defendants-Respondents,

Leila Rusin, et al.,  
Cross-Claim Defendants-Respondents.

-----X

Separate appeals having been taken by defendant-appellant from orders of the Supreme Court, New York County, entered on or about April 22, 2011 and March 22, 2012, respectively,

And defendant-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about March 22, 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 in which to perfect the appeals, which are sua sponte consolidated, to the September 2013 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 March 19, 2013.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
The People of the State of New York  
ex rel. Royce Corley,

Petitioner,

-against-

M-292

Edmund Duffy, Warden, etc.,

Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the application for the denied and the petition is dismissed, as moot.

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 March 19, 2013.

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

-----X  
Raymond Hill and Vivian Perez Hill,  
Plaintiffs-Respondents,

-against-

M-628  
Index No. 302395/07

Lambert Houses Redevelopment Company,  
Lambert Houses Management Corporation  
and Phipps House Services, Inc.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 31, 2012, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:



CLERK

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 March 19, 2013.

Present - Hon. David B. Saxe, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X  
Arc on 4<sup>th</sup> Street, Incorporated,  
Petitioner-Landlord-Respondent,

-against-

M-5531A  
Index No. 570639/11

Tony Quesada,  
Respondent-Tenant-Appellant.

-----X

Respondent-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 July 27, 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 motion granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court. So much of the motion requesting poor person relief 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The order of this Court entered on February 26, 2013 (M-5531) 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 March 19, 2013.

Present: Hon. David B. Saxe, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X  
Adesh Seecharan and Stacy Seecharan,  
Plaintiff-Respondent,

-against-

**M-5299**

Index No. 23574/05

Bronx Welding Supply Co., Inc.,  
et al.,  
Defendants-Appellants,

-and-

Sherwood Company, Harsco Corp., etc.,  
et al.,  
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken by defendants from an order of the Supreme Court, Bronx County, entered on or about September 28, 2012,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated December 11, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-613  
Ind. No. 5162/2010

-against-

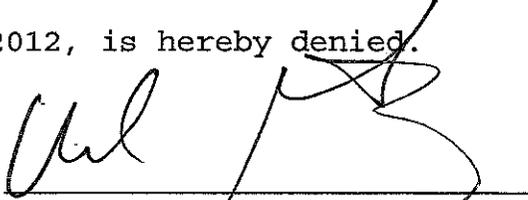
CERTIFICATE  
DENYING LEAVE

Luis Gaston

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 26, 2012, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated: *February 25*, 2013  
New York, New York

ENTERED: **MAR 19 2013**

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-804  
Ind. No. 123/11

-against-

CERTIFICATE  
DENYING LEAVE

John Walden,

Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 16, 2011, is hereby denied.

Dated: New York, New York  
February 26, 2013



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

ENTERED

MAR 19 2013

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

-----X

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

M-762  
Ind. No. 4080/06

ORDER DENYING LEAVE  
UPON REARGUMENT

Phillip McKelvey,  
Defendant.

-----X

I, Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-4431), entered on October 25, 2012, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about March 13, 2012, is hereby denied.



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

Dated: New York, New York  
February 25, 2013

**ENTERED**

**MAR 19 2013**

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 606  
Ind. No. 5620/02

-against-

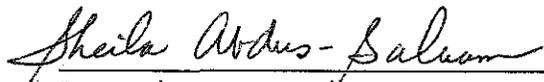
CERTIFICATE  
DENYING LEAVE

Na-Quon Tucker

Defendant.

-----X

I, Sheila Abdus-Salaam, 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 August 29, 2012, is hereby denied.

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

Dated: March 1, 2013  
New York, New York

ENTERED: MAR 19 2013

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

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

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

M-594  
Ind. No. 3402/11

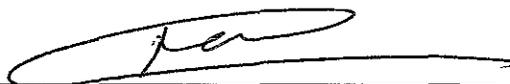
-against-

CERTIFICATE  
DENYING LEAVE

Dwight Perry,

Defendant.  
-----x

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated August 28, 2012, is hereby denied.

  
Nelson S. Román  
Associate Justice

Dated: *March 1, 2013*  
New York, New York

ENTERED: **MAR 19 2013**

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

BEFORE: Hon. Paul G. Feinman,  
Justice of the Appellate Division

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

M-614  
Ind. No. 3963/07

-against-

CERTIFICATE  
DENYING LEAVE

Anthony Perkins,

Defendant.

-----X

I, Paul G. Feinman, 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 (Edward J. McLaughlin, J.), entered on or about August 14, 2012, is hereby denied.

  
Justice

Dated: New York, New York  
February 27, 2013

ENTERED

MAR 19 2013

PM ORDERS  
ENTERED ON  
MARCH 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 March 19, 2013.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
Paula Scher,  
Plaintiff-Respondent-Appellant,

-against-

M-850  
Index No. 650598/10

Stendhal Gallery, Inc., Stendhal  
New York, Inc., Mariam Stendhal Gallery,  
Inc., Maya Stendhal Gallery, Inc., and  
Harry Stendhal,  
Defendants-Appellants-Respondents.

-----X

An appeal having been taken from an amended judgment of the Supreme Court, New York County, entered on or about May 9, 2012, and a cross appeal having been denominated as taken from the order of said Court entered on or about May 7, 2012, and deemed to have also been taken from the aforesaid amended judgment, and the direct appeal having been perfected (CPLR § 5501[c]),

And all parties having moved for an order setting forth a specific briefing schedule as stipulated by the parties,

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 as unnecessary, the stipulated schedule coinciding with the Court's briefing schedule for the May 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 March 19, 2013.

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

-----X  
Jenny Rosario, etc.,  
Plaintiff-Appellant,

-against-

Oxford Health Plans (NY), Inc.,  
Defendant-Respondent.

M-776  
Index No. 106011/11

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 24, 2012,

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

It is ordered that the motion is denied with leave to renew upon proof of service of the motion papers upon defendant's counsel at their New York address.

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 March 19, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

New Hampshire Insurance Company, Vigilant Insurance Company, Certain Underwriters of Lloyds of London Subscribing to Certificate No. B0576MMU280, Fidelity & Deposit Company of Maryland, Continental Casualty Company, Great American Insurance Company, and Axis Reinsurance Company, Plaintiffs-Appellants/Appellants,

Liberty Mutual Insurance Company, Plaintiff-Appellant/Appellant,

St. Paul Fire & Marine Insurance Company, Plaintiff-Appellant/Appellant,

-against-

MF Global, Inc., Defendant-Respondent/Respondent/Respondent/Respondent/Respondent.

-----X

M-1273  
Index No. 601621/09

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, entered on or about October 5, 2010 (mot. seq. no. 002) and March 25, 2011 (mot. seq. no. 005), respectively, and said appeals having been perfected,

And the Chicago Merchantile Exchange and the Futures Industry Association having moved for leave to appear and to file a brief as amici curiae in connection with the aforesaid consolidated 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 granted only to the extent of deeming the 9 copies of the amici curiae brief submitted with the moving papers as filed.

ENTER:

  
CLERK