

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 May 7, 2013.

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

-----X

In the Matter of

Christopher F.,

M-1201

A Person Alleged to be a Juvenile
Delinquent,

Docket No. D-28239/11

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about August 6, 2012,

Now, upon reading and filing the motion including the correspondence filed March 7, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is withdrawn.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 May 7, 2013.

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

-----X

Out Publishing, Inc.,

Plaintiff-Respondent,

-against-

Lipo Liquidating Corp.,

Defendant-Appellant.

-----X

M-1611X
Index No. 601855/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 4, 2012 (mot. seq. no. 010),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 7, 2013.

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

-----X
BDCM Fund Advisor, LLC, etc., et al.,
Plaintiffs-Appellants,

-against-

James J. Zenni, Jr., et al.,
Defendants-Respondents.

- - - - -
James J. Zenni, Jr., et al.,
Counterclaim Plaintiffs-
Respondents,

M-1618X
Index No. 602116/08

-against-

BDCM Fund Advisor, LLC, etc., et al.,
Counterclaim Defendants-
Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 5, 2012 (mot. seq. no. 017),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 19, 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 May 7, 2013.

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

-----X
JMB Apparel Designer Group, Inc.,

Plaintiff-Respondent,

-against-

Robert S. Arochas, et al.,

Defendants-Appellants.
-----X

M-746
M-1619X
Index No. 651885/10

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 23, 2011 (mot. seq. no. 002) [M-746],

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 19, 2013 [M-1619X], and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and 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 May 7, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X

HSH Nordbank AG,

Plaintiff-Respondent-Appellant,

-against-

M-2134

Index No. 600562/08

UBS AG, et al.,

Defendants-Appellants-Respondents.

-----X

Plaintiff-respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 27, 2012 (Appeal Nos. 4676-4677),

Now, upon reading and filing the papers with respect to the motion, the correspondence dated May 30, 2012 from Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for plaintiff-respondent-appellant, HSH Nordbank AG, and the stipulation of the parties dated March 8, 2013, 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 May 7, 2013.

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

-----X
Keith J. Long,

Plaintiff-Appellant,

-against-

M-1615

Index No. 106304/10

Monson G. Mostae and Tejender Sing,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 30, 2012,

And defendants-respondents having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


CLERK

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 May 7, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1078
Ind. No. 4861/10

Michael Williams,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 28, 2012 (M-2527), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 2, 2012, under Indictment No. 4861/10, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforesaid order of assignment to include the judgment of **resentence** of said Court rendered on or about July 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 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 the Supreme Court, New York County rendered on or about July 18, 2012, 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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

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

-against-

M-944
Ind. No. 5456/10

Emiliano Carreon,
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 (Stone, J.), entered on or about November 21, 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 Stone 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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Theresa M., M-1034
Petitioner-Respondent, Docket No. O-21932/12

-against-

Antoine R. A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding and Disposition and the Order of Protection of the Family Court, Bronx County, both entered on or about February 1, 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 therefor¹ **within 30 days (FCA 1121[7]) of service**

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

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

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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

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

Wilda C.,
Petitioner-Appellant,

M-1235
Docket Nos. V-01465-08/12C
V-35064/12

-against-

Miguel R.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 14, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1803, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2013.

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

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

Wilda C.,
Petitioner-Appellant, **M-1803**
Docket Nos. V-01465-08/12C
V-35064/12
-against-

Miguel R.,
Respondent-Respondent.
-----X

Respondent-respondent having moved 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 February 14, 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, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 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. (See M-1235, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2013.

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

-----X
Adam Youngelman,

Plaintiff-Appellant,

-against-

Rickel Home Centers, Inc.,

Defendant-Respondent.
-----X

M-1274

Index No. 570290/11

Plaintiff-appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 29, 2012,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-1010
Ind. No. 5580/11

Lazaro Sainz Mantilla,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 1, 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, 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 \$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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

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

Respondent,

-against-

Edward Williams,

M-1012
Ind. Nos. 5499/10
1101/11

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 22, 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 \$7,500 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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Irene Boateng,

Plaintiff-Appellant,

-against-

M-758
Index No. 16620/07

Ye Yiyang, 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 March 26, 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 May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Martin Evans, as Guardian of the
Property of Shari Perl, etc., et al.,
Plaintiffs-Appellants,

-and-

Perl Properties, Inc., et al.,
Plaintiffs,

M-876
Index No. 602898/05

-against-

Stephen H. Rosen, et al.,
Defendants-Respondents,

Rebecca Perl, etc., et al.,
Nominal Defendants.

-----X

Plaintiffs-appellants 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 11, 2011 (mot. seq. nos. 066, 067),

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 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 May 7, 2013.

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

-----X
Kevin Jerome Hawkins, an infant by
his mother and natural guardian,
Lakisha Hawkins and Lakisha Garcia
Hawkins, individually,
Plaintiffs-Appellants,

-against-

M-1216
Index No. 350497/09

Guirlaine Leonore Agnant, M.D.,
et al.,
Defendants-Respondents.

-----X
Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 29, 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 May 7, 2013.

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

-----X
112 East 35th Street, LLC,
Plaintiff-Respondent,

-against-

M-1269
Index No. 603218/07

The New York Society of the
New Church,
Defendant-Appellant.

-----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 January 9, 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 May 7, 2013.

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

-----X
Mayra Jimenez,

Plaintiff-Respondent-Appellant,

-against-

New York City Transit Authority,

Defendant-Appellant-Respondent.
-----X

M-1049
M-1392
Index No. 103864/07

An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 20, 2012,

And defendant-appellant-respondent having moved for an order enlarging the time to perfect the direct appeal (M-1049),

And plaintiff-respondent-appellant having cross-moved for an order enlarging the time to perfect the cross appeal (M-1392),

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 granted to the extent of enlarging the time to perfect the appeal and cross 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 May 7, 2013.

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

-----X
Michele Smith,

Plaintiff-Respondent,

-against-

M-1193
Index No. 301420/10

Verizon Communications and Aisha J. Taylor,

Defendants-Appellant.
-----X

Defendants-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 13, 2012,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Alexander Pereira,

Plaintiff-Appellant,

-against-

M-1039
Index No. 17575/97

The City of New York, 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 September 13, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 May 7, 2013.

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

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

-against-

M-1109
Ind. No. 1768/05

Francisco Velasquez,
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 (A. Kirke Bartley, 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 Bartley 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 May 7, 2013.

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

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

-against-

M-1121
Ind. No. 2228/12

Donovan Ferguson,
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 (Megan Tallmer, J.), entered on or about December 13, 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 Tallmer 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 May 7, 2013.

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

-----X
TMR Bayhead Securities, LLC,
et al.,
Plaintiffs-Respondents,

-against-

M-1343
Index No. 115387/08

Aegis Texas Venture Fund, II, LP,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 30, 2012 (mot. seq. nos. 004, 009),

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 May 7, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Jacobson Family Investments, Inc.,
et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-197

Index No. 601325/10

National Union Fire Insurance Company
of Pittsburgh, PA, et al.,

Defendants-Respondents-Appellants.
-----X

Plaintiffs-appellants-respondents 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 December 11, 2012 (Appeal Nos. 7960-7961),

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 May 7, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Devash LLC,
Plaintiff-Appellant,

-against-

M-753

Index No. 651839/10

German American Capital Corporation,
et al.,
Defendants,

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

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 January 10, 2013 (Appeal No. 8409),

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 May 7, 2013.

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

-----X
Derek Arauz, an Infant by His Mother
and Natural Guardian, Fralia Lino,
Plaintiff-Appellant,

-against-

M-826

Index No. 350647/08

New York City Health and Hospitals
Corporation, etc.,
Defendant-Respondent.

-----X

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 December 20, 2012 (Appeal No. 8769),

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 May 7, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Helen E. Freedman
Nelson S. Román, Justices.

-----x
Ames Ray,

Plaintiff-Appellant,

-against-

M-2121
Index No. 652314/10

Christina Ray,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 14, 2011, and said appeal having been perfected,

And defendant-respondent having moved for an enlargement of the record on appeal,

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

It is ordered that the motion is denied.

ENTER:



CLERK

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 May 7, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Helen E. Freedman
Nelson S. Román, Justices.

-----x
Macy's Inc., et al.,

Plaintiffs-Respondents,

-against-

M-2100
Index No. 652861/12

J.C. Penney Corporation, Inc.,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 9, 2012, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order enlarging the record on appeal to include affidavits of Penny Cheung dated October 4, 2012 and April 10, 2013, respectively,

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

It is ordered that the motion is granted to the extent of directing plaintiffs-respondents to file a supplemental record on appeal containing the aforesaid affidavits of Penny Cheung and the affidavit of Janet Dhillon dated April 16, 2013 and the exhibits thereto forthwith.

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 May 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

In the Matter of the Application of
Sherman Walker,

Petitioner-Appellant,

-against-

M-1182
Index No. 40139/12

F.O.I.L. Appeals Officer and
Assistant District Attorney Susan C.
Rogue of the New York County District
Attorney's Office,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about September 18, 2012, for leave to prosecute the appeal from said order as a poor person, 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, to the extent it seeks poor person relief, 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 and the motion, to the extent it seeks leave to appeal from the aforesaid order, is otherwise denied, as unnecessary.

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 May 7, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Jorge Flores,
Plaintiff-Respondent,

-against-

M-1259
Index No. 304754/09

BAM Produce, Inc., et al.,
Defendants-Appellants.
-----X

Defendant-appellant BAM Produce, Inc. having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 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 May 7, 2013.

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

-----X
Peter Casanas and Elizabeth Casanas,
Plaintiffs-Respondents,

-against-

M-2108

M-2109

The Carlei Group, LLC and Richard M.
Casanas,
Defendants,

Index No. 101057/12

Aleida Casanas,
Non-Party Witness/Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 8, 2013,

And non-party witness/appellant having moved for an order staying all proceedings to enforce that branch of the Supreme Court order being appealed denying her motion to quash a subpoena directing her appearance for a certain deposition (M-2108),

And plaintiffs-respondents having cross-moved for an order dismissing the aforesaid appeal (M-2109),

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 for a stay is denied (M-2108). The cross motion to dismiss the appeal is denied, with leave to renew subsequent to conclusion of the aforesaid deposition (M-2109).

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 May 7, 2013.

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

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

Respondent,
-against-

M-2163
Ind. Nos. 6852/98
1730/99
1730A/99

Angie Codina,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 24, 2005, and said appeal having been perfected,

And an order of this Court having been entered on March 20, 2008 (M-963) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal,

And defendant having moved to relieve assigned counsel, to proceed pro se on the appeal, for an enlargement of time to substitute and file a pro se supplemental brief, and for other relief,

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

It is ordered that the motion is 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 May 7, 2013.

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

-----X

Susan Angel,

Petitioner/Plaintiff-Appellant,

-against-

Christopher O'Neill,

Respondent/Defendant-Respondent.

-----X

M-450
M-895
Docket No. F44460-10/11D
Index No. 350072/05

Appeals having been taken to this Court by petitioner/plaintiff-appellant from an order of the Family Court, New York County, entered on or about December 19, 2012, and from an order of the Supreme Court, New York County, entered on or about September 4, 2012 (mot. seq. no. 092), respectively,

And petitioner/plaintiff-appellant having moved for consolidation of the aforesaid appeals, for an enlargement of time to perfect said consolidated appeals, for leave to prosecute the consolidated appeals as a poor person, for leave to have same heard upon the original record(s) and a reproduced appellant's brief, and for related relief (M-450),

And respondent/defendant-respondent having cross-moved to be awarded attorney fees and for the imposition of certain sanctions (M-895),

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 is granted to the extent of permitting petitioner/plaintiff-appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the appeals and enlarging the time to perfect said consolidated appeals to the January 2014 Term and otherwise denied (M-450). The cross motion for attorney fees and imposition of sanctions is denied (M-895).

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 May 7, 2013.

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

-----X
Thomas J. Caso,

Plaintiff-Respondent/Appellant,

-against-

M-822

Index No. 301817/08

Anibal Santos, et al.,

Defendants-Appellants/Respondent.

-----X

An appeal having been taken by defendants from the order of the Supreme Court, Bronx County, entered on or about September 28, 2011, and said appeal having been perfected,

And an appeal having been taken by plaintiff from the judgment of said Court, entered on or about November 27, 2012,

And defendants having moved to adjourn the perfected appeal taken from the order entered on or about September 28, 2011 and to consolidate same with the appeal taken from the judgment of said Court, entered on September 28, 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 adjourning defendants-appellants/respondent's perfected appeal from the order entered on September 28, 2011 to the October 2013 Term. Plaintiff is directed to perfect his appeal from the judgment of said Court entered on November 27, 2012 on or before August 5, 2013 for said October 2013 Term. The Clerk is directed to calendar the appeals for hearing together on the same day of said October 2013 Term in the event the appeal from the aforesaid judgment is so perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2013.

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

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

-against-

M-1746
Ind. No. 3427/06

Robert Symonds,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 17, 2009, and said appeal having been perfected,

And defendant having moved to hold the direct appeal in abeyance, pending his filing a 440.10 motion in Supreme 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 motion is granted to the extent of adjourning the hearing of the appeal to the November 2013 Term.

ENTER:


CLERK