

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Enoteca, Inc. and 129 MacDougal Street,  
Plaintiffs-Appellants,

-against-

M-890X  
Index No. 152421/12

New York University,  
Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 20, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-992  
Ind. No. 5722/10

Anthony Moody,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 7, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated February 24, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-993  
Ind. No. 4305/00

Shawn Woodward,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 17, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 14, 2014, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Epstein Drangel LLP,  
Plaintiff-Respondent,

-against-

M-997X  
Index No. 151867/12

Gerald J. Weinberger, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 2, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 25, 2014, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
172 Madison (NY) LLC,  
Plaintiff-Respondent,

-against-

M-1100X  
Index No. 650087/10

Natania Pirogova,  
Defendant-Appellant,

NMP Group, LLC, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 4, 2013 (mot. seq. no. 013),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 2014, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Elizabeth Ebbitts,  
Plaintiff-Respondent,

-against-

M-1101X  
Index No. 112671/10

Mohammad Vadin, et al.,  
Defendants-Appellants.  
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 29, 2013 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 2014, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Suzanne Davidman,  
Plaintiff-Respondent,

-against-

M-1102X  
Index No. 306824/10

Jon Davidman,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 18, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 3, 2014, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Dart Mechanical Corp.,  
Plaintiff-Appellant,

-against-

M-1148X  
Index No. 651772/11

AMCC Corp. and Liberty Mutual  
Insurance Company,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 31, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 5, 2014, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Keane Telecom Consulting, LLC,  
Plaintiff-Respondent-Appellant,

-against-

M-995X  
Index No. 603547/07

Manhattan Telecommunications  
Corporation,  
Defendant-Appellant-Respondent.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 23, 2013 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 25, 2014, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X

Kevin R. Mays,  
Plaintiff-Appellant,

-against-

M-6250  
Index. No. 23327/94

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

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 13, 2013 (mot. seq. nos. 016-018), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

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

-against-

M-6382  
Ind. No. 3206/12

Erickson Batista,  
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 December 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 deeming the moving papers a timely filed notice of appeal.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X  
199 E. 7<sup>th</sup> Street, LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-6467  
Index No. 600558/10

ABC Realty Corp., and Board of  
Directors of E. 7<sup>th</sup> Street Development  
Corp.,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 25, 2012,

And plaintiff-appellant-respondent having moved for an enlargement of time in which to perfect the appeal and cross 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 deeming plaintiff's appeal to be the direct appeal, and deeming defendants' appeal to be the cross appeal. The plaintiff is directed to file their main brief on or before July 7, 2014 for the September 2014 Term, with the parties to abide by the filing dates for said Term with respect to the filing of their remaining briefs. (See Rule 600.11[d] of this Court with respect to a joint record and costs thereof.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Michael Patrick Gill,  
Plaintiff-Respondent,

-against-

M-64  
Index No. 104174/03

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 January 14, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-131/M-66/M-71/M-130/M-150/M-136/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Marie F. Cichy, etc.,  
Plaintiffs-Respondents,

-against-

M-66  
Index No. 111237/03

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 January 29, 2013 (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 November 2014 Term. (See M-131/M-71/M-64/M-130/M-150/M-136/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Robert Engle, Sr., et al.,  
Plaintiffs-Respondents,

-against-

M-71  
Index No. 190172/11

Air & Liquid Systems Corporation, as  
successor-by-merger to Buffalo Pumps,  
et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 December 13, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-131/M-66/M-64/M-130/M-150/M-136/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

George W. Hische, et al.,  
Plaintiffs-Respondents,

-against-

M-130  
Index No. 190125/11

Air & Liquid Systems Corporation, etc.,  
et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 23, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-131/M-66/M-71/M-64/M-150/M-136/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Frances Battipaglia, etc.,  
Plaintiffs-Respondents,

-against-

M-131  
Index No. 190303/11

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 December 26, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-66/M-71/M-64/M-130/M-150/M-136/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Arthur Muise, et al.,  
Plaintiffs-Respondents,

-against-

M-136  
Index No. 190092/11

Air & Liquid Systems Corporation, etc.,  
et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 March 26, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-131/M-66/M-71/M-64/M-130/M-150/M-149, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Joann R. Viohl, etc.,  
Plaintiffs-Respondents,

-against-

M-149  
Index No. 103869/06

A.O. Smith Water Products, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant 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 December 14, 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 November 2014 Term. (See M-131/M-66/M-71/M-64/M-130/M-150/M-136, 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 April 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re: New York City Asbestos Litigation  
-----X

Douglas McLaughlin and Sandra Sue,  
Plaintiffs-Respondents,

-against-

M-150  
Index No. 190449/10

Air & Liquid Systems Corporation, etc.,  
et al.,  
Defendants,

Crane Co.,  
Defendant.

-----X

Defendant-appellant 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 12, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term. (See M-131/M-66/M-71/M-64/M-130/M-136/M-149, 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 April 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

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

-against-

M-6228  
Ind. No. 3749/10

Allassane Diop,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 12, 2011,

And defendant-appellant having moved for an order enlarging the record on appeal to include the exhibits, annexed as "Exhibits A through R" to the moving papers,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against-

**M-6655**  
Ind. No. 1740N/12

Antonio Bautista,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2013, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against-

Kevin L. Brathwaite,  
Defendant-Appellant.

**M-6659**

Ind. No. 682/11  
Case Nos. 4950C/11  
4952C/11  
4953C/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 9, 2013, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 45 West 45th Street, Suite 706, New York, New York 10036, Telephone No. 212-719-0766, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

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

-----X  
Marco Battistella,  
Plaintiff-Appellant,

-against-

M-6351  
Index No. 310389/10

Marnie Ann Joyce,  
Defendant-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 19, 2013,

And an order of this Court having been entered on December 3, 2013 (M-5332), misidentifying the movant as defendant-appellant and not plaintiff-appellant,

And plaintiff-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from the aforesaid order, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for correction of the aforesaid order to name the movant as plaintiff-appellant, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 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 Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant, the cost thereof to be charged against the City of New York from funds available therefor. The order is also granted to the extent of correcting the order to identifying the movant as plaintiff-appellant.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justice.

-----X  
In the Matter of the Application of  
Brian Tuitt,  
Petitioner-Appellant,

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

-against-

M-187  
Index No. 400653/13

Jonathan David, F.O.I.L. Appeals  
Officers, etc.,  
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about September 10, 2013, 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Paul G. Feinman, Justices.

-----X  
Caprice Caprice, formerly known as  
Norman B. Calbert,  
Plaintiff-Appellant,

-against-

M-6381  
Index No. 309725/11

Morris Rubin and M. Rubin & Co. LLC.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about December 18, 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Samaad Bishop,  
Plaintiff-Appellant,

-against-

Henry Modell & Company, Inc., et al.,  
Defendants-Respondents.

M-924  
Index No. 250742/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 23, 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 2014 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Wells Fargo Bank, N.A., etc.,  
Plaintiff-Appellant,

-against-

M-1162  
Index No. 380210/08

Nicole Bridgewater,  
Defendant-Respondent,

Gilda Lewis Coore, et al.,  
Defendants.

-----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 5, 2013,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Steven E. Rosenbaum,  
Plaintiff-Appellant,

-against-

M-304  
Index No. 114129/11

Ronald C. Burke, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 15, 2013 (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 2014 Term, with no further enlargements to be 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 April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Helen E. Freedman  
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-6602  
SCI. No. 3046/97

Thomas Santos, also known as Emmy Abreu,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, rendered on or about January 27, 2012,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Joandra Cabrera, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1075  
Index No. 17719/06

New York City Health and Hospitals  
Corporation,  
Defendant-Appellant.

-----X

Defendant-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 February 11, 2013,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Helen E. Freedman  
Leland DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justice.

-----X

Steven Medwid,  
Plaintiff-Respondent,

-against-

M-5650  
Index No. 350424/06

Olga Medwid,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 11, 2013,

And defendant-appellant having moved to stay enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland DeGrasse  
Judith J. Gische, Justices.

-----X  
Jaelyn Jones, an infant under the age of 14 Years, by her mother and natural guardian, Jocelyn Doresey and Jocelyn Dorsey, individually,  
Plaintiffs-Respondents,

-against-

M-6622  
Index No. 350144/09

Advantage Entertainment Centers of New York, Inc.,  
Defendant-Appellant.  
-----X

Defendant-appellant 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 February 7, 2013,

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

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

-----X  
Lane Altschuler,  
Plaintiff-Respondent,

-against-

M-1174  
Index No. 603556/09

Jobman 478/480 LLC,  
Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about January 18, 2013 (mot. seq. no. 004) and October 1, 2013 (mot. seq. nos. 005-006), respectively,

And an order of this Court having been entered on January 30, 2014 (M-5770), inter alia, consolidating the aforesaid appeals, and enlarging the time to perfect same to the June 2014 Term,

And defendant-appellant having moved for an enlargement of time to perfect the 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 is granted to the extent of enlarging the time to perfect the consolidated appeals to the October 2014 Term, with leave to seek further enlargements if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Benjamin Morales,  
Plaintiff-Appellant,

-against-

Jose Garzon, et al.,  
Defendants-Respondents.

M-829  
M-1103  
Index No. 301781/07

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about June 20, 2013, and said appeal having been perfected,

And plaintiff-appellant having moved for an order enlarging the record on appeal to include a certified statement from the New York State Department of Motor Vehicles, and for other relief (M-829),

And defendants having cross-moved for an order precluding plaintiff from referencing in his brief a certain police report (M-1103),

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

It is ordered that the motion and cross motion are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Roslyn H. Richter  
Judith J. Gische, Justice.

-----X

Alexis Castano,  
Plaintiff-Respondent,

-against-

M-178

Index No. 107928/09

Daniel J. Wygand, New York City  
Department of Sanitation, and  
the City of New York,  
Defendants-Appellants,

Ana C. Villagrain and Edward A. Nieto,  
Defendants.

-----X

Edward A. Nieto,  
Plaintiff-Respondent,

-against-

Index No. 112274/09

The City of New York and Daniel J.  
Wygand,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order enlarging the time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about February 21, 2013 and December 27, 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 enlarging the time to perfect the appeals, which are sua sponte consolidated, to the September 2014 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Coventry Real Estate Advisors, LLC,  
et al.,  
Plaintiffs-Appellants-Respondents,

-against-

Developers Diversified Realty Corporation,  
et al.,  
Defendants-Respondents-Appellants.

M-796  
Index No. 115559/09

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 19, 2013,

And plaintiffs-appellants-respondents having moved for an order enlarging the record on appeal to include certain documents deemed to be relevant and material to issues raised by Coventry Real Estate Advisors, LLC on its appeal, and for related relief,

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

It is ordered that the motion is denied. Sua sponte, the appeal is adjourned to the June 2014 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M-884  
Ind. No. 5658/09

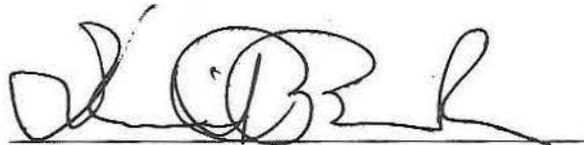
-against-

CERTIFICATE  
GRANTING LEAVE

Kendall Davis,  
Defendant-Appellant.  
-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about January 22, 2014.<sup>1</sup>

Dated: March 17, 2014  
New York, New York



Hon. Dianne T. Renwick  
Associate Justice

**ENTERED**

APR 01 2014

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

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<sup>1</sup> Defendant's existing direct appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 1, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----x  
Fordham Fulton Realty Corp.,  
Petitioner-Landlord,

-against-

Camilla Wright,  
Respondent-Tenant.  
-----x

M-1597  
Civil Bronx County  
Index No. 003519/13

The above-named respondent-tenant having filed an application pursuant to CPLR 5704(b) in the Appellate Term of the Supreme Court for the First Department for relief denied by a judge of the Civil Court of the City of New York, Bronx County, on or about March 26, 2014,

And an order of the Appellate Term of the Supreme Court for the First Department having been entered on April 1, 2014 referring the aforesaid application to this Court for hearing and determination or other appropriate action,

Now, upon this Court's own motion,

It is ordered that the application is hereby transferred to the Appellate Division, Second Judicial Department, for hearing and determination or other appropriate action.

ENTER:

  
CLERK