

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 February 4, 2014.

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

-----X

Monika Sitinas,

Plaintiff-Respondent,

-against-

Leonardo Sitinas,

Defendant-Appellant.

-----X

M-53X  
Index No. 308500/11

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 20, 2013 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 4, 2014.

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

-----X  
Mario Cu,  
Plaintiff-Appellant,

-against-

M-54X  
Index No. 105483/10

The I. Grace Company Commissioned  
Private Residences, Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 24, 2013 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 4, 2014.

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

-----X

King Rose of New York, Inc.,

Plaintiff-Respondent,

-against-

M-6358X

Index No. 653061/12

Park Avenue Audio, Inc.,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 3, 2013 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 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 February 4, 2014.

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

-----X  
Mildred Miller,  
Plaintiff-Respondent,

-against-

M-6359X  
Index No. 301628/10

Mario Bonavita, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 30, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 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 February 4, 2014.

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

-----X  
AC I Toms River Mezz LLC,  
Plaintiff-Appellant,

-against-

M-6360X  
Index No. 651979/12

RCG LV Debt IV Non-Reit Assets  
Holdings, LLC,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 15, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 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 February 4, 2014.

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

-----X

Ultimate Financial Solutions, LLC,

Plaintiff-Respondent,

-against-

M-6361X

Index No. 650481/13

Chloe International Inc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 14, 2013,

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

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

ENTER:

  
CLERK

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 February 4, 2014.

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

-----X

Marc Casola,

Plaintiff-Appellant,

-against-

M-6362X  
Index No. 315793/12

Theresa Casola,

Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 10, 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 February 4, 2014.

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

-----X  
Luis Salcedo,  
Plaintiff-Appellant,

-against-

M-6363X  
Index No. 301851/09

Merijoel Salcedo,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 15, 2013 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 10, 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 February 4, 2014.

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

-----X  
Metcap Securities, LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-6458X  
Index No. 650709/12

Troutman Sanders LLC, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 5, 2013 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 12, 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 February 4, 2014.

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

-----X

Coughlin Duffy LLP,

Plaintiff-Respondent,

-against-

M-6521X  
Index No. 652046/12

Lisa Aguilera Del Puerto, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 17, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 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 February 4, 2014.

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

-----X

Rosanna Vasquez,

Plaintiff-Respondent,

-against-

M-6522X

Index No. 4671/13

Sadaam A. Hamood,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 23, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 2023, 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 February 4, 2014.

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

-----X  
Tomas Kolinek and Michaela Kolinek,  
Plaintiffs-Respondents/Appellants,

-against-

Major Construction Services, Inc. M-142  
Defendant-Appellant/Respondent, Index No. 7643/05

-and-

Norman Creek Construction, LLC, Flintrock  
Construction Co., Inc. and Flintrock  
Construction Services, LLC,  
Defendants-Respondents/Appellants,

-and-

Brisam Hotel, LLC and Tritel Construction  
Group, LLC,  
Defendants-Respondents,

-and-

Colgate Scaffold & Equipment Corp.,  
Defendant.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 27, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated December 9, 2013, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the May 2013 Term, 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 February 4, 2014.

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

-----X  
John D. Mastrobattista and Anne Roome,  
Plaintiffs-Respondents,

-against-

Raquel Moura Borges, M-192  
Defendant, Index No. 111452/06

A2B LLC,  
Defendant-Appellant,

Pier Head Associates, Ltd.,  
Defendant-Respondent,

Luke Licalzi, P.E. and Luke Licalzi,  
P.E., P.C.,  
Defendants-Appellants,

Karl Beitin,  
Defendant-Appellant.

-----X  
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2012 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated December 3, 2013, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the September 2013 Term, 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 February 4, 2014.

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

-----X  
In Re: New York County Asbestos Litigation  
-----X

Phyliss Brown, as Administratrix of the  
Estate of Harry Brown and Phyliss Brown,  
Individually,  
Plaintiffs-Respondents,

-against-

Crane Co., Mario & Dibono Plastering  
Co., Port Authority of New York &  
New Jersey and Tishman Realty and  
Construction Co., Inc.,  
Defendants-Appellants.

M-6201  
Index Nos. 190415/12  
190441/12  
190403/12

-----X  
Mary Ann McClosky, as Administratrix of the  
Estate of Patrick McClosky and Mary Anne  
McClosky, Individually,  
Plaintiffs-Respondents,

-against-

Cleaver-Brooks, Inc., Domco Products Texas,  
Inc., Mario & Dibono Plastering Co., Port  
Authority of New York & New Jersey and  
Tishman Realty and Construction Co., Inc.,  
Defendants-Appellants.

-----X  
Debra Terry, as Administratrix of the  
Estate of Carl Terry and Debra Terry,  
Individually,  
Plaintiffs-Respondents,

-against-

Crane Co., Domco Products Texas, Inc.,  
and Eaton Corporation, as successor-in-  
interest to Cutler-Hammer, Inc.,  
Defendants-Appellants.

-----X

A joint appeal having been taken by the above-named defendants-appellants from an order of the Supreme Court, New York County, entered on or about November 29, 2013,

And defendants-appellants having jointly moved for a stay of proceedings in the above-captioned motions,

Now, upon reading and filing the stipulation of the parties hereto, dated December 6, 2013, and due deliberation having been had thereon,

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

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 February 4, 2014.

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

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

-against-

M-5535  
Ind. No. 828/08

Travis Woods,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 9, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

CORRECTED ORDER - March 10, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 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-

Carlton Curry,  
Defendant-Appellant.  
-----X

M-5601  
Ind. No. **1048/08**  
Case No. 7739C/08

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 28, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

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

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

-against-

M-5700  
Ind. No. 2498/11

Eddie Echols,  
Defendant-Appellant.

-----X

Defendant having renewed his 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 June 6, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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 February 4, 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-6096  
Ind. No. 1819/11

Jason Diaz,  
Defendant-Appellant.

-----X

Defendant having renewed his 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 March 21, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

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

-----X  
Carmen Tejeda,

Plaintiff-Respondent,

-against-

M-5724  
Index No. 25459/02

Cherise M. Dyal, M.D., 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, Bronx County, entered on or about June 11, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 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 February 4, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
In the Matter of the Petition of  
Ronald O. Perelman, Executor of the  
Estate of Claudia Cohen,  
Deceased,

M-6138  
Surrogate's Court  
File No. 2318/07

For an Order Pursuant to SCPA §2103.  
-----X

Respondents-appellants having moved for an enlargement of time to perfect their appeal from an order of the Surrogate's Court, New York County, entered on or about February 15, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated November 25, 2013, and due deliberation having been had thereon,

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

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 February 4, 2014.

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

-----X  
Jennifer Obolewicz,  
Plaintiff-Respondent,

-against-

M-5910  
Index No. 107554/10

CRP/Extell Parcel I, L.P. and  
Extell Development Company,  
Defendants-Appellants,

Penmark Realty Corporation,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect an appeal taken from an order of the Supreme Court, New York County, entered on or about December 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 June 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 February 4, 2014.

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

-----X  
Fidelity National Title Insurance  
Company,  
Plaintiff,

-against-

Action No. 1  
Index No. 651916/10

Altshuler Shaham Provident Funds Ltd.,  
formerly known as Perfect Provident  
Fund Ltd.,  
Defendant-Respondent.

-----X  
Altshuler Shaham Provident Funds Ltd.,  
formerly known as Perfect Provident  
Fund Ltd.,  
Third-Party Plaintiff-Respondent,

**M-6430**

-against-

Jaeckle Fleischmann & Mugal LLP,  
Third-Party Defendant-Appellant.

-----X  
Supreme Court of the State of  
New York, County of Erie  
-----X

Perfect Provident Fund Ltd., its  
Successors and Assigns, Including  
Altschuler Shaham Provident Fund, Ltd.,  
Plaintiff-Respondent,

Action No. 2  
Erie County  
Index No. I-3244/10

-against-

Jaeckle Fleischmann & Mugal LLP,  
Defendant-Appellant.

-----X

Separate appeals having been taken by third-party defendant (Action No. 1)/defendant (Action No. 2), Jaeckle Fleischmann & Mugel LLP, from orders of the Supreme Court, New York County, entered on or about February 21, 2013 (mot. seq. nos. 01 and 02 respectively),

And defendant/third-party defendant having moved for an enlargement of time to perfect the aforesaid appeals and for leave to do so on a joint record on 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 deeming the aforesaid appeals taken by separate notices of appeal to constitute a single appeal from the aforesaid order, and to enlarge the time to perfect said appeal upon 9 copies of a single record and one set of appellant's points to the June 2014 Term.

ENTER:

  
CLERK

CORRECTED ORDER- FEBRUARY 7, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Daniel Alvarez,  
Plaintiff-Respondent/Respondent,

-against-

Jose Beltran and Shila Lynn Rosario,  
Defendants-Appellants,

M-6431  
Index No. 306974/09

-and-

The City of New York,  
Defendant-Appellant,

-and-

P.O. LaMastro (Shield Number Unknown),  
Defendant.

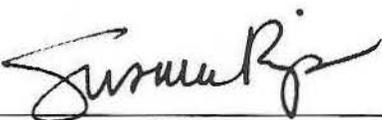
-----X  
Separate appeals having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about March 7, 2013,

And defendants-appellants, Jose Beltran and Shila Lynn Rosario and The City of New York, having moved for an enlargement of time to perfect their appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the June 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 February 4, 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-4362  
Ind. No. 464/83

Vernon Snype,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 12, 1987 (Appeal No. 29447), unanimously affirming a judgment of the Supreme Court, Bronx County (Barry Salman, J.), rendered on September 23, 1983,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.  
Peter Tom  
Dianne T. Renwick  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
In re The State of New York,

Petitioner-Respondent,

-against-

M-6311  
Index No. 251233/10

Robert V.,

Respondent-Appellant.  
-----X

Respondent-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 November 21, 2013 (Appeal No. 11135),

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 February 4, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Leland DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Steven Salsberg,

Plaintiff-Appellant,

-against-

City of New York, et al.,

Defendants-Respondents.  
-----X

M-5612  
Index No. 122062/03

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 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 June 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 February 4, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Leland DeGrasse  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
Lee & Amtzis, LLP, et al.,  
Plaintiffs-Respondents,

-against-

M-5804  
Index No. 653050/11

American Guarantee and Liability  
Insurance Company,  
Defendant-Appellant,

Jane Kurtin,  
Defendant.

-----X

Defendant-appellant American Guarantee and Liability Insurance Company having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 8, 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 February 4, 2014.

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

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

Respondent,

-against-

Mitchell T. Taebel,

Defendant-Appellant.  
-----X

M-5013  
Ind. No. 2536/12

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 10, 2013,

And defendant-appellant pro se having moved for a stay of sentence 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 February 4, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Jaedine Galasso,

Plaintiff-Appellant,

-against-

Martin Galasso,

Defendant-Respondent.  
-----X

M-6726  
Index No. 311301/08

Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about December 12, 2013 (mot. seq. no. 022), 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 February 4, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Diane T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

In the Matter of

Jacob L.,

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

**M-6505**

Docket No. NN-36228/12

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

Chasitiy P.,  
Respondent-Appellant.

-----  
Margaret Ann Tarvin, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, New York County, entered on or about October 2, 2013 and an Order of Disposition of said Family Court, entered on or about November 7, 2013, for the assignment of counsel, a free copy of the transcript, and 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, 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 (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

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

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

-against-

M-5930  
Ind. No. 4281/11

Larry McLean,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 14, 2013 (M-1327) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 7, 2013, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 February 4, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

M-4944  
Ind. No. 5108/08

Elvis Nuñez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, rendered on or about November 30, 2010, and said appeal having been perfected,

And an order of a Justice of this Court having been entered on September 10, 2013 (M-1681), inter alia, granting defendant leave to appeal to this Court pursuant to CPL 460.15 from the order of the Supreme Court, New York County, entered on or about October 16, 2012,

And defendant-appellant having moved for an order substituting assigned counsel with respect to the appeal from the order entered on or about October 16, 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. Sua sponte, the perfected appeal from the judgment of said Court rendered on or about November 30, 2010 is adjourned to the June 2014 Term, for which Term assigned counsel is directed to perfect the appeal from the order entered on or about October 16, 2012. The Clerk is directed to calendar both appeals for hearing together, if the second appeal 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 February 4, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Rodney Payton,

Defendant-Appellant.

-----X

M-6443  
Ind. No. 3608/11  
Case No. 55365C/11

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 22, 2013,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Karla Moskowitz, Justices.

-----X

Adalberto Alvarez,

Plaintiff-Respondent,

-against-

1120 Wyatt LLC,

Defendant-Appellant.

-----X

M-6644  
Index No. 301399/09

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 March 22, 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 June 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 February 4, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Karla Moskowitz, Justices.

-----X

Aqua Grill,  
Plaintiff-Appellant,

-against-

M-31  
Index No. 161168/13

Tashikan Corporation,  
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 December 24, 2013,

And plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction prohibiting defendant-respondent from removing air conditioning equipment from the subject restaurant,

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 February 4, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Mertex UK Ltd. and Mertex Canada, Inc.,  
Plaintiffs-Appellants,

-against-

James Whiteley,  
Defendant-Respondent.  
-----X

**M-49**  
**M-164**  
Index No. 653540/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 27, 2013, and said appeal having been perfected,

And defendant having moved for an order staying the appeal pending disposition of defendant's motion in trial court to strike pages 506 through 526 from the record on appeal, and for an order striking appellants' brief with leave to submit a new brief removing all references to pages 506 through 526 (M-49),

And plaintiffs-appellants having cross-moved to enlarge the record on appeal to include pages 506 through 526 (M-164),

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 defendant's motion is granted only to the extent of adjourning the appeal to the June 2014 Term, without prejudice to renewal of that portion of the motion seeking to strike pages 506 through 526 from the record on appeal subsequent to the disposition by Supreme Court of the pending motion therein to strike certain matter from the e-filing docket; and plaintiffs' cross motion is denied with leave to renew after the Supreme Court has determined the aforesaid pending motion to strike the matter from the e-filing docket.

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 February 4, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X

112 East 35<sup>th</sup> Street, LLC,  
Plaintiff-Respondent,

-against-

M-6089

M-6155

Index No. 603218/07

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

-----X

Defendant-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 October 24, 2013 (Appeal No. 10850) [M-6089],

And plaintiff-respondent having cross-moved for the same relief [M-6155],

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 [M-6089], to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on October 24, 2013 (Appeal No. 10850) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 10850, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied. The cross motion is denied [M-6155].

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 February 4, 2014.

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

-----X  
John De Lande Long,

Plaintiff-Appellant,

-against-

Patrick G. O. Neill, et al.,

Defendants-Respondents.  
-----X

M-5619  
Index No. 101518/12

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 9, 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 June 2014 Term.

ENTER:



\_\_\_\_\_  
CLERK

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-6516  
Ind. No. 1638/96

-against-

CERTIFICATE  
DENYING LEAVE

Larry McKee,  
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 orders of the Supreme Court, Bronx County, entered on or about June 19, 2013 and September 30, 2013, is hereby denied.

Dated: New York, New York  
January 17, 2014



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

**ENTERED**

**FEB 04 2014**

P.M ORDERS  
FOR  
FEBRUARY 4,  
2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2014.

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

-----X

Anonymous,  
Plaintiff-Appellant,

-against-

**M-6712**

Index No. 350033/12

Anonymous,  
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 10, 2013 (mot. seq. no. 004), November 21, 2013 (mot. seq. no. 006) and December 18, 2013 (mot. seq. no. 012) respectively,

And plaintiff having moved for an order consolidating the aforesaid appeals, and directing restoration of certain pendente lite relief,

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

It is ordered that plaintiff's motion, to the extent it seeks restoration of pendente lite relief, is denied. So much of the motion which seeks consolidation of the aforesaid appeals is granted to the extent of permitting plaintiff to prosecute the consolidated appeals for the June 2014 Term upon 9 copies of one record and of one set of appellant's points covering the appeals pursuant to the special dates for filing as follows; plaintiff-appellant's main brief to be served and filed on or before March 24, 2014; defendant-respondent's brief to be served and filed on or before April 23, 2014; plaintiff-appellant's reply brief to be served and filed on or before May 2, 2014. The interim relief granted by an order of a Justice of this Court, dated December 27, 2013, is vacated.

ENTER:

  
CLERK