

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 18, 2014.

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

-----X
In the Matter of a Proceeding for
Visitation Under Article 4 of the
Family Court Act.

Milton A.,
Petitioner-Respondent,

M-112

Docket Nos. V-32672-09/12E
V-32672-09/13F

-against-

Tracy H. A.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, an appeal taken from orders of the Family Court, Bronx County, entered on or about November 13, 2013 and January 6, 2014, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY (516) 921-8800, 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;¹ **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

¹Service 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 18, 2014.

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

-----X
In the Matter of

Deaisha W.,
Shaniya S.,
and Tristen O.,

M-281

Docket Nos. N-32440/09
N-32441/09
N-18810/10

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

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

Leroy W.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 20, 2013, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geanine Towers, Esq., 179 Bay Ridge Avenue, Brooklyn, NY 11220, Telephone No. (718) 759-1000)

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 of New York from funds available therefor;¹ **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

¹Service 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 18, 2014.

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

-----X
In the Matter of

Mekhi B. and
Iyana W.,

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

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

M-5707
Docket No. NA-27013-14/11

Shamark W.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about June 28, 2013 and October 22, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

¹Service 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 18, 2014.

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

-----X
In the Matter of

Jenna Nicole B.,
also known as Jenna B.,

M-308

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

Docket No. B-21088/09

Lutheran Social Services of New York,
et al.,
Petitioners-Respondents,

Jennifer B.,
Respondent-Appellant,

James M.,
Respondent.

Randall Carmel, Esq.,
Attorney for the Child.

-----X

Respondent-respondent child, Jenna Nicole B., also known as Jenna B., having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, Bronx County, entered on or about December 23, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800 as

counsel for purposes of responding to the aforesaid appeal on the subject child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the June 2014 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

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 18, 2014.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Chanize L. B.,
Petitioner-Appellant,

M-439
Docket Nos. F-05957-07/10G-12J

-against-

Lamont K. B.,
Respondent-Respondent.

-----X
Respondent having moved for leave to respond, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 20, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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

Ordered that the motion is denied, with leave to renew, upon submission of respondents 2011, 2012 and 2013 tax returns, if available, sua sponte, the appeal is adjourned to the April 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on February 18, 2014.

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

-----X

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

Christian T.,
Petitioner-Respondent,

M-6564
Docket No. V-31742-12/13B

-against-

Yelitza G.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about December 17, 2013,

And respondent-appellant having moved for a stay of all proceedings to enforce the aforesaid order,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court on December 19, 2013, is vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

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

-----X

Diane Dewitt,

Plaintiff-Respondent,

-against-

M-6596

Index No. 106481/09

Kenneth Poovey, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on November 21, 2013 (Appeal No. 11134),

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 18, 2014.

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

-----X
Deanna Adler and Robert W. Adler,
Plaintiffs-Respondents,

-against-

M-134
Index No. 104023/10

RDR International Ltd., doing business
as Roget Resca Salon,
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, entered on or about August 10, 2012 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated January 6, 2014, 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 18, 2014.

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

-----X

60 E. 9th St. Owners Corp.,

Plaintiff-Respondent,

-against-

M-6577

Index No. 104135/08

Albert N. Zihenni,

Defendant-Appellant.

-----X

Defendant-appellant having moved for vacatur of the decision and order of this Court entered on November 19, 2013 (Appeal No. 10842),

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 18, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
In re Arc on 4th St. Inc.,
Petitioner-Respondent,

-against-

M-39
Index No. 570639/11

Tony Quesada,
Respondent-Appellant.

-----X

Respondent-appellant having moved for renewal/reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 5, 2013 (Appeal No. 10742),

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 18, 2014.

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

-----X

Lew Nussberg, etc.,
Plaintiff-Respondent,

-against-

M-6347
Index No. 650741/09

Gary Tatintsian, etc., et al.,
Defendants-Appellants,

Viktoria Pukemova,
Defendant.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 12, 2013 (Appeal No. 10995),

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 18, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
David B. Saxe, Justices.

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

-against-

M-4946
Ind. No. 4402/90

Khalib Gould,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 13, 1996 (Appeal No. 58270), unanimously affirming a judgment of the Supreme Court, New York County (Harold Rothwax, J.), rendered on November 27, 1991,

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 18, 2014.

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

-----x

Salt Aire Trading, LLC, et al.,

Plaintiffs-Appellants,

-against-

M-6368

Index No. 603798/07

Enterprise Bank and Trust Corporation,
et al.,

Defendants-Respondents.

-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 27, 2013 (mot. seq. nos. 007, 008),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed December 24, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

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

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

-against-

M-6441
Ind. No. 5221/12

Richard Concepcion,
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 October 23, 2013, for leave to prosecute the appeal as a poor person upon 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 notice of appeal timely filed, 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

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

-----X
Felipe Ortega-Estrada,

Plaintiff-Respondent,

-against-

215-219 West 145th Street LLC, and
Worldwide Management Group, LLC,

Defendants-Appellants.
-----X

M-51
Index No. 101336/11

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 26, 2013,

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

It is ordered that the motion is granted to the extent of 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 18, 2014.

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

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

-against-

M-67
Ind. No. 5286/96

Juan Paulino, also known as
Juan Dedi Paulino,

Defendant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from judgment of the Supreme Court, New York County, rendered on or about September 6, 2012, and for other relief,

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

It is ordered that the motion is denied in its entirety.

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 18, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Thomas Gass,

Plaintiff,

-against-

M-5734
Index No. 302536/08

Susan Gass,

Defendant.
-----x

An order of this Court having been entered on October 1, 2013, denying defendant-appellant's motion for leave to file a late notice of appeal taken from a judgment of the Supreme Court, New York County, entered on or about October 25, 2012,

And defendant, pro se, having moved for reargument of the aforesaid order of this Court entered on October 1, 2013 (M-3958), and for other relief,

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

It is ordered that the motion is denied, as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Kitty Lee, et al.,
Plaintiffs-Respondents,

-against-

M-5530
Index No. 111681/09

Ana Development Corp., et al.,
Defendants-Appellants,

The Hecht Group Corp., et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 8, 2013 (Appeal No. 10689),

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 18, 2014.

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

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

-against-

M-4695
Ind. No. 1225/00

Joe Jones,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reconsideration of the decision and order of this Court entered on May 13, 2004 (Appeal No. 3636),

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 18, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Echostar Satellite L.L.C.,
Plaintiff-Appellant,

-against-

M-100

Index No. 600282/08

ESPN, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 14, 2012, and said appeal having been perfected,

And plaintiff-appellant and defendants-respondents having jointly moved for an order holding defendants-respondents' prior motion (M-5152) in abeyance until March 19, 2014 and adjourning the aforesaid appeal to the September 2014 Term,

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

Ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

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

-----X

In the Matter of
Cotag S.A.R.L.,
Plaintiff-Respondent,

-against-

M-287
Index No. 652240/10

Karim Ben Khalifa,
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, entered on or about March 15, 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, 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 February 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Leland DeGrasse
Judith J. Gische, Justices.

-----X
Roberto Lacap,

Plaintiff-Appellant-Respondent,

-against-

M-326
Index No. 103702/12

Electronic Security and Communications Corp., et al.,

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 April 23, 2013,

And plaintiff-appellant having moved for an enlargement of time 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 of enlarging the time to perfect the appeal and cross appeal to the December 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 18, 2014.

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

-----X
Andrew Arner,
Plaintiff,

-against-

M-288
Index No. 105347/10

Rreef America L.L.C., et al.,
Defendants.

-----X
Rreef America L.L.C., et al.,
Third-Party Plaintiff,

-against-

Sweet Construction Corporation,
et al.,
Third-Party Defendants,

Legacy Buildings/Developers Corp.,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-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 June 27, 2013,

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

It is ordered that the motion is denied, as unnecessary.
(See 22 NYCRR 600.11[a][3].)

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 18, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
In the Matter of

Hezekiah J., Ezekiel J., Jeremiah J.,
Joshua J., Gabriel J., and Isaiah J.,

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

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

Stacey J.,
Respondent-Appellant,

M-6
Docket Nos. NN-21824/12
NN-21825/12
NN-21826/12
NN-21827/12
NN-21828/12
NN-21819/12

The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child Ezekiel J.,

Andrew Baer, Esq.,
Attorney for the Children Hezekiah,
J., Jeremiah J., Joshua J., and
Gabriel J.,

Lawyers for Children,
Attorney for the Child Isaiah, J.

-----X

Petitioner having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about November 16, 2012, and for other relief, and said appeal having been perfected,

CORRECTED ORDER - March 10, 2014

(M-1423)

-2-

February 18, 2014

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the May 2014 Term, without prejudice to petitioner raising the issue directly on appeal and without prejudice to further relief by this Court, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

In re David Sweedler, et al.,
Petitioners-Appellants,

-against-

M-6286
Index No. 651019/13

DSJS, Inc.,
Respondent-Respondent.

-----X

Petitioners-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 7, 2013 (Appeal No. 10961N),

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 18, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Tribeca Technology Solutions, Inc.,
Plaintiff-Respondent,

-against-

David Goldberg, et al.,
Defendants-Appellants.

M-6061
M-6117
Index No. 651878/11

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 17, 2013 (Appeal No. 10810N) [M-6117],

And plaintiff-respondent having moved for reargument of the aforesaid order [M-6061],

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

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Tribeca Technology Solutions, Inc.,
Plaintiff-Respondent,

-against-

David Goldberg, et al.,
Defendants-Appellants.

M-6061
M-6117
Index No. 651878/11

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 17, 2013 (Appeal No. 10810N) [M-6117],

And plaintiff-respondent having moved for reargument of the aforesaid order [M-6061],

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

It is ordered that the motions are denied.

ENTER:



CLERK

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

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

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

M - 1683
Ind. No. 3832/99

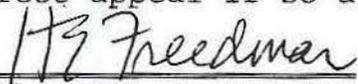
-against-

CERTIFICATE
DENYING LEAVE

DAROLD FREEMAN,

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about January 8, 2013 is hereby denied without prejudice to raise the question of the deferral or waiver of defendant's mandatory surcharge on direct appeal if so advised.


Hon. Helen E. Freedman
Associate Justice

Dated: February 3, 2014
New York, New York

ENTERED: FEB 18 2014

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

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

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

M - 6740
Ind. No. 2415/08

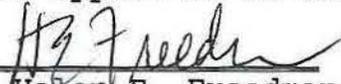
-against-

CERTIFICATE
DENYING LEAVE

QUANEL MILLER,

Defendant.
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 20, 2013 is hereby denied without prejudice to raise the question of the deferral or waiver of defendant's mandatory surcharge on direct appeal if so advised.


Hon. Helen E. Freedman
Associate Justice

Dated: January 28, 2014
New York, New York

ENTERED: FEB 18 2014

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-6150
Ind. No. 1346/89

-against-

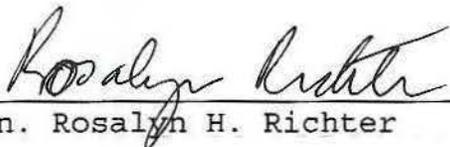
CERTIFICATE
DENYING LEAVE

Trevis L. Funches, Sr.,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about August 14, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: January 29, 2014
New York, New York

ENTERED: FEB 18 2014

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-202
Ind. No. 3433/08

-against-

CERTIFICATE
GRANTING LEAVE

Francisco Melo-Cordero,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, 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, Bronx County, dated December 6, 2013.¹

Dated: January 29, 2014
New York, New York

ENTERED FEB 18 2014



Hon. Rosalyn H. Richter
Associate Justice

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.

¹ In the event defendant has an existing (direct) appeal from a judgment, such 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.

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

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

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

M-6416
Ind. No. 3131/12

-against-

Raymond Gordon,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated November 1, 2013, of the Supreme Court, New York County (Cassandra M. Mullen, J.), is hereby denied.

Associate Justice

Dated: January 28, 2014
New York, New York

ENTERED: **FEB 18 2014**

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

BEFORE: Hon. Darcel D. Clark
Justice of the Appellate Division

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

M-6589
Ind. No. 5227/04

-against-

CERTIFICATE
GRANTING LEAVE

Thomas Bentil,
Defendant-Appellant.
-----X

I, Darcel D. Clark, 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 March 13, 2013.¹

Dated: January 24, 2014
New York, New York

ENTERED

FEB 18 2014


Hon. Darcel D. Clark
Associate Justice

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.

¹In the event defendant has an existing (direct) appeal from a judgment, such 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.

P.M ORDERS
FOR
FEBRUARY
18, 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 18, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x
Stephanie T.,
Plaintiff-Respondent,

-against-

M-33
Index No. 311501/08

Dileepkumar T.,
Defendant-Appellant.
-----x

Appeals having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about February 6, 2013, and from judgments of said Court entered on or about May 23, 2013 and October 7, 2013, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals, and for poor person relief and assignment of appellate 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 permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged to the June 2014 Term. The motion, to the extent it seeks poor person relief and assignment of appellate counsel, 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 18, 2014.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

Plaintiff-Appellant,

-against-

M-5840
Index No. 309725/11

Moris Rubin and M. Rubin & Co. LLC.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved 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 February 18, 2014.

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

-----X
In the Matter of the Application of
Yan Ping Xu,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against- M-6199
Index No. 109534/08

The New York City Department of Health,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 17, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect said appeal, 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 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 time to perfect appeal is enlarged to the June 2014 Term.

ENTER:



CLERK