

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 June 24, 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-1380
Ind. No. 4095/12

Dwayne Manigault,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 30, 2013,

And an order of this Court having been entered on May 14, 2013 (M-1329), granting defendant leave to prosecute the aforesaid appeal as a poor person and assigning Richard M. Greenberg, Esq., as counsel on the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated March 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 24, 2014.

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

-----X
Lorelle Schechter,

Plaintiff-Appellant,

-against-

M-1477

Index No. 155278/12

Roslyn 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 February 28, 2013, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed March 26, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2014 Term, is withdrawn in accordance with the aforesaid stipulation.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 June 24, 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,
ex rel. Japheth Baker, on behalf of
John Farrison,
Petitioner-Appellant,
-against-

M-1787
Index No. 400135/14

Dora Schriro, Commissioner, New York
City Department of Corrections,
et al.,
Respondent-Respondent.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about January 31, 2014, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed April 10, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2014 Term, 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 June 24, 2014.

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

-----X
Inessa Ganelina, etc., et al.,
Plaintiff-Appellant-Respondent,

-against-

The Public Administrator, et al.,
Defendants,

M-1185
Index No. 110968/06E

-and

AllState Life Insurance Company
of New York,
Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 1, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated February 21, 2014, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the March 2014 Term, 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 June 24, 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-1636
Ind. No. 1456/11
Case No. 25823C/11

William Cain,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 27, 2014, 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 June 24, 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-1637
Ind. No. 2390/12

Twanek D. Cummings,
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 January 16, 2014, 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 June 24, 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-1638
Ind. No. 1741/11
Case No. 28970C/11

Tisha J. Dingle,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 7, 2014, 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.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 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-1640
Ind. No. 580/13
Case No. 01907C/13

Eudys Garcia, also known as Eudyspete Garcia,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 18, 2014, 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.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 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-1643
Ind. No. 250/14

Jose Herrera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 28, 2014, 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 June 24, 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-1644
Ind. No. 2810/12
Case No. 48563C/12

Joel A. Liriano, also known as Joe
A. Liriano,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 11, 2014, 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.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 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-1646
Ind. No. 211/11

James Richardson,
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 July 29, 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 June 24, 2014.

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

-----X

The City of New York,
Plaintiff-Respondent,

-against-

M-6280

Index No. 401689/09

Healthstar Plus, Inc.,
Defendant-Appellant,

Harleysville Worcester Insurance
Company,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 21, 2012,

And defendant-respondent Harleysville Worcester Insurance Company having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated December 13, 2013, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 24, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Richard T. Andrias, Justices.

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

-against-

M-1460
Ind. No. 2733/09

Kennedy R. Howe,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 1, 2011 (Appeal No. 4383), unanimously affirming a judgment of the Supreme Court, New York County (Ruth Pickholtz, J.), rendered on July 17, 2009,

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 June 24, 2014.

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

-----X

In re ACN Digital Phone Service, LLC,
Petitioner-Respondent,

-against-

M-1962
Index No. 654062/12

Universal Microelectronics Co., LTD,
Respondent-Appellant.

-----X

Respondent-appellant 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 March 25, 2014 (Appeal No. 12046-12047),

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 June 24, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-2184
Ind. No. 4242/98

Roger Thomas, also known as
Moses H. Thomas,
Defendant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the order of the Supreme Court, New York County, rendered on or about February 21, 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 denied.
(See, CPL§450.30[3].)

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 June 24, 2014.

PRESENT - Hon: Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Barry Apfelbaum, as Executor of the
Estate of Zelma Wesley, deceased,
Plaintiffs,

-against-

M-2020
Index No. 17247/05

Liloutie Rampersaud,
Defendant-Appellant,

Bhago Persaud Ramprashad,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 5, 2012,

And defendant-appellant Liloutie Rampersaud having moved for an order deemed one for an enlargement of time to perfect said appeal,

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

It is ordered that the motion is denied and sua sponte, the appeal is dismissed.

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 June 24, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In re Perlbinders Holdings, LLC,
Petitioner-Appellant,

-against-

Meenakshi Srinivasan, etc., et al.,
Respondents-Respondents.

M-1211
M-2025
Index No. 103231/12

-----X

Petitioner-appellant 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 February 13, 2014 (Appeal No. 10891) [M-1211],

And respondents-respondents having cross-moved for reargument of the aforesaid order (M-2025),

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Matthew R. Mayers,
Plaintiff-Respondent,

M-2391

-against-

Action No. 1
Index No. 650410/13

Stone Castle Partners, LLC, et al.,
Defendants-Appellants.

- - - - -

Stone Castle Partners, LLC,
Plaintiff-Appellant,

-against-

Action No. 2
Index No. 654075/13

Matthew R. Mayers, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 28, 2014 (mot. seq. no. 003) [Index No. 650410/13],

And defendants-appellants having moved, pursuant to CPLR 5519(c), for a stay of the aforesaid order and all other proceedings pending hearing and determination of the aforesaid 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 on condition defendants perfect their appeal on or before August 4, 2014 for the October 2014 Term. The Clerk is directed to maintain the appeal on said October 2014 Term if 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 June 24, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-2635
Ind. No. 1793/07

Joseph Sanchez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 6, 2011,

And defendant-appellant pro se having moved to withdraw the pro se reply brief filed March 17, 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 deeming the pro se reply brief filed March 17, 2014 withdrawn and directing defendant-appellant to file a replacement pro se reply brief, if so advised, on or before September 29, 2014 for the December 2014 Term of this Court, to which Term the appeal is adjourned.

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 June 24, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

In the Matter of the Applcation of
Michael De La Force,
Petitioner-Respondent,

M-2529

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

Index No. 102309/12

-against-

Inna Khiterer, Eurice Mayfield and
Mitchell St. Claire,
Respondents-Appellants.

-----X

Purported appeals having been taken to this Court from a judgement of the Supreme Court, New York County, entered on or about July 10, 2013, and from an order of said Court entered on or about December 20, 2013,

And respondents, Inna Khiterer, Eurice Mayfield and Mitchell St. Claire, having moved for an enlargement of time in which to move for leave to appeal from the judgment entered on July 10, 2013, and for leave to appeal to this Court from the order of said Supreme Court entered on December 20, 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 granting respondents leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about December 20, 2013 and upon said leave to deem the notice of appeal from that order as timely filed, and the motion to the extent it seeks leave to appeal from the aforesaid judgment entered July 10, 2013 is denied as unnecessary said judgment being appealable as of right.

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 June 24, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
David B. Saxe
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Mark Srikishun,

Plaintiff-Appellant,

-against-

M-2551
Index No. 303104/07

Michael Edye, M.D., et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 24, 2013,

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

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

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 June 24, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Adriana Ferreyr,
Plaintiff-Respondent,

-against-

M-2597
Index No. 109256/11

George Soros, et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 1, 2014 (Appeal No. 11976),

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 June 24, 2014.

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

-----X

The People of the State of New York
ex rel. Stacy Schneider, on behalf of
Emmitt Hunter,
Petitioner-Appellant,

M-5973

Index No. 400972/13

-against-

Dora Schriro, Commissioner, New York City
Department of Correction, et al.,
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about June 28, 2013, denying petitioner's writ of habeas corpus,

And petitioner having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated November 13, 2013, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of deeming the appeal 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 June 24, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
People of the State of New York,
by Andrew W. Cuomo, Attorney
General of the State of New York,
Plaintiff-Respondent,

-against-

M-2744
Index No. 1576/04

Edwin Rivera, doing business as
Inmigracion Hoy, Inmigracion Hoy
News Today and Forensic Inmigracion
Law,
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 August 27, 2013, and for leave to prosecute the appeal as a poor person,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2014 Term; the motion is otherwise denied, with leave to renew upon submission of an affidavit in compliance with CPLR 1101 setting forth inter alia, defendants-appellants amount and sources of income and expenses and defendants-appellants Federal 2012 and 2013 tax returns.

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 June 24, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Braulio Milton Penaranda,
Plaintiff-Appellant-Respondent,

M-1781

-against-

Index No. 100963/10

4933 Realty, LLC,
Defendant-Respondent-Appellant.

- - - - -

4933 Realty, LLC,
Third-Party Plaintiff-Respondent-Appellant,

Index No. 590179/11

-against-

NYC Construction Work Inc., doing
business as K&S Construction,
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-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 March 11, 2014 (Appeal No. 11850),

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

It is ordered that the motion, to the extent it seeks reargument is granted and, upon reargument, the decision and order of this Court entered on March 11, 2014 (Appeal No. 11850) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 11850, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 June 24, 2014.

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

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

-against-

M-1839
Index No. 1348/06

Ramon Pequero,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 24, 2009 (Appeal No. 143), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on February 1, 2007, as amended February 20, 2007,

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 June 24, 2014.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Andrew Arner,
Plaintiff,

-against-

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

M-2021

M-2022

Index No. 105347/10

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

-against-

Third-Party
Index No. 590831/10

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

Adelphi Restoration Corp.,
Third-Party Defendant-Respondent-
Appellant,

Coda Interiors,
Third-Party-Defendant-Appellant-
Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 25, 2013, and said appeal and cross appeal having been perfected,

And the respective third-party appellants having moved by separate motions to stay trial pending hearing and determination of the aforesaid appeal and cross appeal,

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 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 June 24, 2014.

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

-----x
Indymac Venture, LLC,
Plaintiff-Respondent,

-against-

Tibbett, LLC,
Defendant-Appellant,

M-2485
Index No. 380805/11

-and-

New York City Environmental Control
Board, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 8, 2013,

And an order of this Court having been entered on April 10, 2014 (M-910), granting a stay of enforcement of the order pending hearing and determination of the appeal on condition the appeal is perfected for the September 2014 Term,

And plaintiff-respondent having moved for vacatur of the stay imposed by the order of this Court entered on April 10, 2014 (M-910),

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 June 24, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2580

Ind. Nos. 3180/12
3072/12

Ramon E. Hernandez, also known as,
Ramoneste Hernandez,
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgments of the Supreme Court, New York County, rendered on or about March 14, 2013,

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

It is ordered that the motion is 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 June 24, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2579
Ind. No. 4365/11

Torean George,
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 20, 2011, and for other relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
David B. Saxe
Barbara R. Kapnick, Justices.

-----x
Matthew Buckley and Beth Buckley,
Plaintiffs-Respondents,

-against-

West 44th Street Hotel, LLC and Tishman
Construction Corp.,
Defendants-Appellants,

M-2636
M-2876
Index No. 100356/10

-and-

Five Star Electric Corporation,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County entered on or about July 29, 2013 (mot. seq. no. 004),

And defendants-appellants West 446h Street Hotel, LLC, et al. having moved for an enlargement of time to perfect their appeal (M-2636),

And defendant-appellant Five Star Electric Corporation having separately moved for an enlargement of time to perfect its appeal (M-2876),

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

It is ordered that, sua sponte, the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set each of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the November 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 June 24, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
David B. Saxe
Barbara R. Kapnick, Justices.

-----x
James Gregware and Eileen Gregware,
Plaintiffs-Respondents,

-against-

M-2592
Index No. 108013/07

The City of New York, Burtis
Construction Co. Inc.,
Defendants-Appellants,

-and-

Abelardo Da-Silva,
Defendant-Respondent.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 15, 2013 (mot. seq. no. 007) and July 12, 2013 (mot. seq. no. 008); and appeals having been taken to this Court from the judgment of said Court entered on or about October 15, 2013, respectively,

And defendant-appellant The City of New York having moved for an enlargement of time to perfect its appeals from the orders entered on or about July 15, 2013 and July 12, 2013 or, in the alternative, to withdraw said appeals,

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

It is ordered that the motion is granted to the extent of granting the defendant-appellant City of New York leave to withdraw its appeals from the orders entered on or about July 15, 2013 and July 12, 2013, and otherwise denied. The appeals from the judgment entered on or about October 15, 2013 remain extant.

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 June 24, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-2704
Ind. No. 3665/11

Alexander Santiago,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2014,

And defendant-appellant, both pro se and through trial counsel The Bronx Defenders, having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for the assignment of The Center of Appellate Litigation as counsel to prosecute the appeal, for the continuation of a stay of execution of sentence granted by an order of a Justice of this Court dated April 16, 2014, 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 appellant's brief is filed. a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when

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.

The stay granted by the order of a Justice of this Court dated April 16, 2014, is continued pending hearing and determination of the appeal, on condition the appeal is perfected within 120 days from the 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 June 24, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
John Fernandez, et al.,
Plaintiffs-Respondents,

-against-

M-1908
Index No. 114910/08

213 East 63rd Street LLC, et al.,
Defendants-Appellants.
-----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 March 13, 2014 (Appeal No. 11970),

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 June 24, 2014.

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

-----X

Philip Caprio, et al.,
Plaintiffs-Appellants,

-against-

M-2400
Index No. 651176/11

New York State Department of
Taxation and Finance, et al.,
Defendants-Respondents,

Andrew M. Cuomo, etc.,
Defendant.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 8, 2014 (Appeal No. 11231),

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, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

Was the order of this Court, which reversed the judgment of the Supreme Court, New York County, entered on November 5, 2012 properly made?

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 June 24, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Ronald Flores,
Plaintiff-Appellant,

-against-

Alexandra Albert, et al.,
Defendants-Respondents.

M-2052
Index No. 306507/11

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about April 10, 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 and the appeal is dismissed.

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 June 24, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Twaina Reavis,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

New York City Housing Authority,
Respondent-Respondent.

M-2602
Index No. 400775/13

-----X

Respondent-respondent having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, entered on or about July 16, 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 and the appeal is dismissed.

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 June 24, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Karen Schein,
Petitioner-Appellant,

-against-

M-2540
Index No. 101682/12

New York City Department of
Education, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant pro se having moved for an enlargement of time to perfect the appeal from the order and judgment (one Paper) of the Supreme Court, New York County, entered on or about December 28, 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, sua sponte, the appeal is dismissed.

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 June 24, 2014.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Jerome Avenue Tenants HDFC,
Petitioner-Landlord-Respondent,

-against-

M-1190
Index No. 570118/13

Inna Mosaleva,
Respondent-Tenant-Appellant,

"John Doe" and Svitlana Algur,
Respondents-Undertenants.
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about December 31, 2013, and for leave to prosecute said appeal as a poor person, 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 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 June 24, 2014.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-496
Ind. No. 3074/07

Taurice Moore,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 7, 2011 (Appeal No. 5269), unanimously affirming a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on November 10, 2009,

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

P.M ORDERS
FOR JUNE 24,
2014

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 June 24, 2014.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Switzerland Green,
Plaintiff-Respondent,

-against-

M-2769
Index No. 400725/12

Metropolitan Transportation Authority
Bus Company and Israel Reyes,
Defendants-Appellants,

Tyese Laws and Samantha Santiago,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 8, 2013 and March 7, 2014, and said appeals having been perfected,

And defendants-appellants having moved to stay discovery pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is denied.

ENTER:


CLERK