

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 September 23, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

Antonio Flores,  
Defendant-Appellant.

**M-2887**

Ind. Nos. 1597/12  
21109C/12

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 22, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 September 23, 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-2911  
SCID No. 30255/13

Tyrone Smith,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Convise, J.), entered on or about May 20, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Convise as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 23, 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-2998  
Ind. No. 4643/99

Paul Smith,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (White, J.), entered on or about May 6, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 23, 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,

**M-2999**  
-against- Ind. No. 1033/12

Roberto Gonzalez,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Solomon, J.), entered on or about December 19, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 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-3105  
Ind. No. 2082/12

Pablo Barrios,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.), entered on or about February 24, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 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-3106  
Ind. No. 1658/87

Mark Wellman,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.), entered on or about February 26, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

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

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

-against-

M-3121  
Ind. No. 2098/12

Carlos Bonilla,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (James Kindler, J.), entered on or about April 24, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Kindler as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 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-3122  
Ind. No. 9026/96

Terrance McCormick,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.), entered on or about May 7, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

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

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

-against-

M-3155  
Ind. No. 1624/11

Ramon Walker,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.), entered on or about April 30, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

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

- - - - -  
Commissioner of Social Services of the City of New York, on behalf of: **M-1691**  
Docket No. F-6201/10

Melvenia H.,  
Petitioner-Respondent,

-against-

Juan H. M.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about December 27, 2012 and June 4, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951 as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on

appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----X

Orly Genger, etc.,  
Plaintiff-Respondent,

-against-

Dalia Genger, et al.,  
Defendants-Appellants.

M-1592  
M-1606  
Index No. 109749/09

-----X

Defendants-appellants TPR Investment Associates, Inc. and D & K GP LLC (M-1592) and Dalia Genger (M-1606) having moved, by separate motions, 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 4, 2014 (Appeal No. 11871),

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, to the extent they seek reargument, are granted and upon reargument, the decision and order of this Court entered on March 4, 2014 (Appeal No. 11871) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 11871, decided simultaneously herewith.) The motions are 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 September 23, 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-

Carlos Rodriguez,

M-2454  
Ind. No. 4744/99  
SCI No. 7686/99

Defendant-Appellant.  
-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgments of the Supreme Court, New York County, rendered on or about January 4, 2011, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court, or for alternative relief,

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

It is ordered that the motion is granted to the extent of deeming the appeals withdrawn, and otherwise denied. (See M-5291A, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Paul G. Feinman, Justices.

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

-against-  
Carlos Rodriguez,

M-5291A  
Ind. No. 7686/99

Defendant.  
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2011, and for related relief,

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

It is ordered that the motion is denied as unnecessary, a timely filed notice of appeal having been filed. The order of this Court entered January 3, 2013 [M-5291] is hereby recalled and vacated. (See M-2454, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 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/Appellant-  
Respondent,

-against-

Index No. 650410/13

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

**M-3847**  
**M-4120**

George Shilowitz,  
Defendant-Respondent/Respondent-  
Appellant.

- - - - -

Stone Castle Partners, LLC,  
Plaintiff,

-against-

Index No. 654075/13

Matthew R. Mayers, et al.,  
Defendants.

-----X

An appeal having been taken by defendants-appellants/  
respondents-respondents, Stone Castle Partners, LLC, et al., from  
an order of Supreme Court, New York County, entered on or about  
April 24, 2014, and said appeal having been perfected,

And an appeal having been taken by plaintiff-respondent/  
appellant-respondent, Matthew R. Mayers, from an order of said  
Court entered on or about February 21, 2014,

And a cross appeal having been taken by defendant-  
respondent/respondent-appellant George Shilowitz, from the same  
order entered on or about February 21, 2014,

And plaintiff-respondent/appellant-respondent, Matthew R. Mayers having moved for clarification of the order of this Court entered on June 24, 2014 (M-2391) in connection with the aforesaid perfected appeal or, in the alternative, to enlarge the time to perfect his appeal from the aforesaid order entered February 21, 2014 (M-3847),

And having defendant-respondent/respondent-appellant George Shilowitz having cross-moved to enlarge the time to perfect his cross appeal in the event plaintiff-respondent/appellant-respondent, Matthew R. Mayers' motion is granted (M-4120),

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 plaintiff-respondent/appellant-respondent, Matthew R. Mayers' motion is granted to the extent of enlarging the time to perfect his appeal from the aforesaid order entered February 21, 2014 to the May 2015 Term, and otherwise denied (M-3847). Defendant-appellant Shilowitz's cross motion is granted to the extent of enlarging the time to perfect his cross appeal to said May 2015 Term (M-4120). Both parties are granted leave to seek a further enlargement, if so advised.

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 September 23, 2014.

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

-----X

In the Matter of the Application of  
The State of New York,  
Petitioner-Respondent,

**M-2591**

For Civil Management Pursuant to  
Article 10 of the Mental Hygiene Law,

Index No. 251820/08

-against-

Leroy D.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 18, 2013,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the 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 permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings in this matter, and 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.

Marvin Bernstein, Esq., Mental Hygiene Legal Service,  
41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No.  
(718) 862-5140, is assigned as counsel for purposes of prosecuting  
the appeal on respondent's behalf.

ENTER:

A handwritten signature in black ink, appearing to read "Sumner 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 September 23, 2014.

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

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

-against-

**SEALED**

M-2729

Ind. No. 1280/11

Sean W.,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 7, 2013 (M-5875), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 8, 2012, under Indictment No. 1280/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of resentence rendered on or about April 1, 2014 under the same Indictment No.,

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

It is ordered that said motion is granted to the extent of amending defendant's aforementioned order to include the judgment of resentence of said Court rendered on or about April 1, 2014 under the same Indictment No., and extending the poor person relief previously granted to cover same.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Vineyard Sky, LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-4068

M-4273

Ian Banks, Inc.,  
Defendant,

Index No. 650392/12

Everest National Insurance Company,  
Defendant-Respondent,

PCF State Restoration, Inc.,  
Endurance American Insurance Company,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2013,

And plaintiffs-respondents having moved to dismiss the appeal (M-4068),

And defendants-appellants having cross-moved for leave to file a supplemental record on appeal, and for other relief (M-4273),

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 to dismiss the appeal is denied (M-4068). The cross motion is granted to the extent of granting defendants leave to supplement the record on appeal with the transcript of the proceedings of June 12, 2013 before Justice Coin. The defendants are directed to promptly file 9 copies of a supplemental record containing the aforesaid transcript in the form attached as Exhibit C to the affirmation of Michael J. Kozoriz, Esq. filed in support of the cross motion (M-4273).

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 September 23, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Diane T. Renwick  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X  
Karen Manor Associates LLC, et al.,  
Plaintiffs-Respondents,

-against-

**M-3149**

Index No. 307128/09

Virginia Surety Company, Inc., et al.,  
Defendants-Appellants,

Arch Insurance Group, Inc., et al.,  
Defendants-Respondents.

-----X

Defendants-appellants having moved for clarification of the decision and order of this Court entered on April 3, 2014 (Appeal No. 11701),

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

CORRECTED ORDER -- October 9, 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 September 23, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Diane T. Renwick  
Richard T. Andrias  
Paul G. Feinman, Justices.

-----X  
In the Matter of the Application of

Joan Elizabeth W.,  
  
Petitioner,

**M-4171**  
Index No. 500116/14

Pursuant to Article 81 of the Mental Hygiene Law of the Appointment of a Limited Guardian of the Property of

Joan Elizabeth W.

-----  
Roy L.,  
Respondent.

-----X  
Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 13, 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.

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 September 23, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2714  
Ind. No. 399/13

Reginald Claverie,  
Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2013, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

Now, upon reading and filing the papers with respect to the motion, including the correspondence of the Center of Appellate Litigation (David J. Klein, of counsel), dated July 29, 2014, and due deliberation having been had thereon,

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

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 September 23, 2014.

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

-----x  
Energy EIAC Capital Ltd., Sanibel  
Intertrade Corp., as Assignee of  
Energy Infrastructure Acquisition  
Corp.,  
Plaintiffs-Appellants,

-against-

M-2927  
Index No. 650180/10

Maxim Group,  
Defendant-Respondent.

-----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 May 23, 2013 (mot. seq. no. 010),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and the stipulation of the parties dated July 24, 2014, 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 September 23, 2014.

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

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

Respondent,

-against-

M-2915  
Ind. No. 4773/12

Jonathan Rosas,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 28, 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 notice of appeal as timely filed.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

**M-2934**

Ind. No. 1487N/12

Carl Ginyard,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 15, 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 notice of appeal timely filed.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

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

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

Respondent,  
-against-

M-2678  
Ind. No. 1862/13

Andrew Jean,

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 April 30, 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, 120 Wall Street, 28<sup>th</sup> 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 September 23, 2014.

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

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

-against-

M-2981  
Ind. No. 1383/11

Orlando Velasquez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Richard D. Carruthers, J.), entered on or about February 4, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Carruthers as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

The People of the State of New York  
ex rel. Haywood Hinton,  
Petitioner-Appellant,

-against-

Warden, Manhattan Detention Complex,  
Respondent-Respondent.

-----X

**M-2718**

Index Nos. 400254/13  
30047/14

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about March 25, 2014, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and 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 said motion is granted and it is directed that the appeal 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 General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. So much of the motion which seeks the assignment of 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 September 23, 2014.

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

-----X  
In the Matter of the Application of  
Joseph Sanchez,  
Petitioner-Appellant,

For an Order Pursuant to Article 78 **M-2721**  
of the Civil Practice Law and Rules, Index No. 250137/13

-against-

The Bronx County District Attorney's  
Office,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about March 10, 2014, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, Bronx County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

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 September 23, 2014.

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

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

Respondent,  
-against-

M-2864  
M-2926  
Ind. No. 3378/07  
Case No. 50005C/07

Robert Denis,

Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2012 (M-4661), granting defendant limited poor person relief in connection with defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 2, 2011,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the aforesaid judgment of the Supreme Court, Bronx County, rendered on or about March 2, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for assignment of counsel and related relief (M-2864),

And counsel for defendant-appellant, Robert S. Dean, Esq., having moved for an enlargement of time to perfect defendant-appellant's appeal in the event that they are assigned as counsel for defendant-appellant (M-2926),

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 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, 120 Wall Street, 28<sup>th</sup> 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 to on or before January 5, 2015 for the March 2015 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 September 23, 2014.

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

-----X  
The People of the State of New York,  
Respondent, M-2944  
Ind. Nos. 2749/10  
1823/12  
1251/11  
23/13  
-against-  
Jaquel Flores,  
Defendant-Appellant. Case No. 40961/10  
-----X

An order of this Court having been entered on September 26, 2013 (M-3790), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 19, 2013, under Indictment No. 2749/10 and Case No. 40961/10, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment Nos. 1823/12, 1251/11 and 23/13,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 1823/12, 1251/11 and 23/13, and extending the poor person relief previously granted to cover same.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon: David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

**M-2902**  
Ind. No. 1217/13

Quashi Gambrell, also known as  
Quash Gambrell,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 21, 2014 (M-6556) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 13, 2013, and assigning Steven Banks, Esq., Legal Aid Society, as counsel on said appeal,

And successor assigned counsel, Scott A. Rosenberg, Esq., having moved for an order to relieve The Legal Aid Society as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of successor assigned counsel Seymour W. James, Jr., Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, as such counsel. The poor person relief previously granted is continued, and appellant's time to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Cantor Fitzgerald & Co.,  
Plaintiff-Respondent,

-against-

M-4341  
Index No. 652792/12

8AN Capital Partners Master Fund L.P.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about August 20, 2014 (mot. seq. no. 003), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X  
In re Carmen Applewhite,  
Petitioner-Appellant,

-against-

**M-1696**  
Index No. 113474/11

Board of Education of the City  
School District of the City of  
New York, et al.,  
Respondents-Respondents.  
-----X

Respondents-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 6, 2014 (Appeal No. 11191),

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 September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

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

-----  
Chanize L. B., Docket Nos. F-5957-07/10G-12J  
Petitioner-Appellant, **M-2771**  
  
-against-

Lamont K. B.,  
Respondent-Respondent.  
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about November 20, 2012, and said appeal having been perfected,

And petitioner-appellant pro se having moved for an order barring respondent-respondent from improperly serving motions,

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 September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-2719**

-against-

Ind. No. 12241/92

Diane Word,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 27, 2007 (Appeal No. 8908), unanimously affirming a judgment of the Supreme Court, New York County (Harold Beeler, J.), rendered on November 5, 1999,

And an order of this Court having been entered on April 24, 2014 (M-135), denying defendant-appellant's application, 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,

And defendant having moved to strike the People's opposition to the aforesaid application for a writ of error coram nobis denied by an order of this Court on April 24, 2014 (M-135),

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 September 23, 2014.

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

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

-against- M-2946  
Ind. No. 6237/07  
Edgar Carvajal,

Defendant.  
-----x

An order of this Court having been entered on December 10, 2013 (M-5242), inter alia, denying defendant's motion, as time barred, for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 5, 2008,

And defendant-appellant pro se having moved, by motion denominated as one 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 the motion is deemed a motion to vacate the judgment of conviction pursuant to CPL § 440.10 and, as such, the matter is transferred to Supreme Court, New York County, for disposition, 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 September 23, 2014.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
David Moyal, Suing Individually and  
on Behalf of: Circle Press, Inc.,  
Plaintiffs,

**M-4239**  
Index No. 157850/14

-against-

Joseph Sullo, Robert Malta, et al.,  
Defendants,

Circle Press, Inc.,  
As Nominal Defendant.

-----X

Plaintiffs having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 11, 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.

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 September 23, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
The People of the State of New York  
ex rel. Duwayne Chance,  
Petitioner,

-against-

M-2799

Dora Schriro, Commissioner Department  
of Corrections,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, and for leave to prosecute said proceeding 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 application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

The motion is otherwise denied, without prejudice to further proceedings before the Supreme Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In re Wayne Tatum,  
Petitioner,

-against-

**M-3395**  
Index No. 117435/05

Martin Horn, Commissioner of the  
New York City Department of Corrections,  
et al.,  
Respondents.

-----X

An order of this Court having been entered on June 3, 2014 (M-1508), denying petitioner vacatur of the decision and order of this Court entered on February 17, 2007 (Appeal No. 248),

And petitioner pro se having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on June 3, 2014 (M-1508),

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 September 23, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
IN RE 91<sup>st</sup> Street Crane Collapse Litigation:  
-----

Jack Rizzocasio,  
Plaintiff,

Action No. 1  
Index No. 108088/09

-against-

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

**M-4343**

DeMatteis Construction and Leon D. DeMatteis  
Construction Corporation,  
Defendants-Appellants-Respondents,

New York Crane & Equipment Corp.,  
Defendants.

-----X  
Leon D. DeMatteis Construction Corporation,  
Third-Party Plaintiff-Appellant-  
Respondent,

Third-Party  
Index No. 590753/09

-against-

Sorbara Construction Corp.,  
Third-Party Defendant-Respondent-  
Appellant.

-----X  
AND ALL RELATED ACTIONS  
-----X

-----X

Daniel Oddo,  
Plaintiff,

-against-

Action No. 2  
Index No. 111626/08

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

DeMatteis Construction and Leon D. DeMatteis  
Construction Corporation,  
Defendants- Appellants-Respondents,

New York Crane & Equipment Corp.,  
Defendants.

-----X

1765 First Associates, LLC,  
Third-Party Plaintiff,

Index No. 590943/08

DeMatteis Construction and Leon D. DeMatteis  
Construction Corporation,  
Third-Party Plaintiff Appellants-Respondents,

-against-

Sorbara Construction Corp.,  
Third-Party Defendant-Respondent-  
Appellant.

-----X

An appeal having been taken in Action No. 1 by DeMatteis Construction and Leon D. DeMatteis Construction Corporation from the order entered on or about March 7, 2014 [mot. seq. no. 008], and a cross appeal having been taken by third-party defendant Sorbara Construction Crop. from the same order,

And an appeal having been taken in Action No. 2 by DeMatteis Construction and Leon D. DeMatteis Construction Corporation from the order of said Court entered on or about March 12, 2014 [mot. seq. no. 010] and a cross appeal having been by Sorbara Construction Corp. from the same order,

And DeMatteis Construction and Leon D. DeMatteis Construction Corporation having moved for consolidation of the appeal and cross appeal taken from the aforesaid order entered on or about March 7, 2014 in Action No. 1 [mot. seq. no. 008] with the appeal and cross appeal from the aforesaid order entered or about March 12, 2014 in Action No. 2 [mot. seq. no. 010],

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated August 28, 2014, and due deliberation having been had thereon,

It is ordered that the motion is granted in accordance with the aforesaid stipulation, to the extent of consolidating the appeal and cross appeal from the aforesaid order entered on or about March 7, 2014 in Action No. 1 [mot. seq. no. 008] with the appeal and cross appeal from the aforesaid order entered on or about March 12, 2014 in Action No. 2 [mot. seq. no. 010], and permitting the parties to perfect the appeals and cross appeals upon 9 copies of a single joint record and one set each of appellants-respondents' and respondents-appellants' points and any reply briefs permitted by the Rules of this Court, covering the aforesaid appeals and cross appeals.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 23, 2014.

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

-----X  
General Motors Acceptance Corp., et al.,  
Plaintiffs-Respondents,

-against-

M-2175  
Index No. 109668/06

New York Central Mutual Fire Insurance  
Company,  
Defendant-Appellant.

-----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 April 8, 2014 (Appeal No. 11963),

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 September 23, 2014.

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

-----X  
Excelsior 57<sup>th</sup> Corp.,  
Plaintiff-Respondent/Plaintiff  
Respondent-Appellant,

**M-4067**

-against-

Index No. 113665/09

Excel Associates,  
Defendant-Appellant/Defendant-  
Appellant-Respondent.

-----X  
Excel Associates,  
Third-Party Plaintiff-Appellant/  
Third-Party Plaintiff-Appellant-  
Respondent,

Third-Party

Index No. 591175/09

-against-

Select Parking Corp.,  
Third-Party Defendant-Respondent.

-----X

An appeal having been taken by defendant/third-party plaintiff-appellant, Excel Associates, from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 4, 2013, and said appeal having been perfected; and an appeal having been taken by said defendant/third-party plaintiff-appellant, Excel Associates, from an order of said Court, entered on or about July 10, 2014, and a cross appeal having been taken by plaintiff-respondent, Excelsior 57<sup>th</sup> Corp., from said order of the Supreme Court, New York County, entered on or about July 10, 2014,

And defendant/third-party plaintiff-appellant, Excel Associates having moved for an order consolidating the aforesaid appeals and cross appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated August 14, 2014, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of consolidating the aforesaid appeals, granting leave to perfect the appeal and cross appeal from the order entered July 10, 2014 upon 9 copies of a joint supplemental record on appeal and one set each of supplemental briefs for the January 2015 Term, the perfected appeal previously having been adjourned to said January 2015 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 September 23, 2014.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-3355  
Ind. No. 4557/12

Venil Watkis,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 24, 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, 120 Wall Street, 28<sup>th</sup> 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 September 23, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

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

-against-

**M-3154**  
Ind. No. 5192/12

Curtis Woodley, also known as Bob  
Barker,  
Defendant-Appellant.

-----X

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

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

It is ordered that the motion is granted to the extent of deeming the 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 reproduced 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) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 September 23, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Schlam Stone & Dolan, LLP, as  
assignee of both Rachel Arfa and  
Alexander Shpigel,  
Plaintiff-Appellant,

-against-

Howard R. Poch, et al.,  
Defendants-Respondents.

M-3207  
Index No. 105769/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 10, 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 January 2015 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 September 23, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
DNC Management, LLC, et al.,  
Plaintiffs-Respondents,

-against-

**M-3208**  
Index No. 308245/10

Continental Casualty Insurance,  
also known as CNA, Nazia Ilyas,  
Defendants,

Axis Surplus Insurance Company,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 26, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2015 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 September 23, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Paulina Rogawski,  
Plaintiff-Respondent,

-against-

M-3296  
Index No. 107517/11

New York City Transit Authority  
and "John Doe,"  
Defendants-Appellants,

-and-

The City of New York,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 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 ganted to the extent of enlarging the time to perfect the appeal to the January 2015 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 September 23, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justice.

-----X  
Lisa J. Weksler, etc.,  
Plaintiff-Respondent,

-against-

M-3356  
Index No. 603288/07

Joseph Weksler, etc., et al.,  
Defendants-Appellants,

Mitchell D. Hollander, Esq.,  
et al.,  
Defendants.

-----X

Defendants-appellants (Collectively referred to as the "J & B Defendants") 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 30, 2012 (mot. seq. no. 015),

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 January 2015 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 September 23, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----x  
JPS Partners, in its own right, and  
derivatively in the right of Binn and  
Partners, LLC,  
Plaintiffs-Appellants-Respondents,

-against-

M-3277  
Index No. 650430/12

Morton Binn, as individual,  
Defendant-Respondent-Appellant,

Guggenheim Securities, LLC, et al.,  
Defendants,

-and-

Binn and Partners, LLC,  
Nominal Defendant-Respondent-Appellant.

-----x

Appeals having been taken to this Court by plaintiffs from orders of the Supreme Court, New York County, entered on or about April 25, 2013 (mot. seq. no. 005), April 25, 2013 (mot. seq. no. 003) and April 11, 2013 (mot. seq. no. 004), respectively,

And defendants Morton Binn and nominal defendant Binn and Partners, LLC having taken an appeal from the order of said Court entered on or about April 11, 2013 (mot. seq. no. 004),

And an order of this Court having been entered on March 4, 2014 (M-458) having consolidated the aforesaid appeals,

And the parties having jointly moved for an enlargement of time to perfect the aforesaid consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the January 2015 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 September 23, 2014.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----x  
Statewide Management Group, Inc.,  
Plaintiff-Appellants,

-against-

M-3397  
Index No. 104520/12

Intrepid Museum Foundation, also known  
as Intrepid Sea, Air & Space Museum,  
et al.,  
Defendants-Respondents.

-----x

An order of this Court having been entered on June 5, 2014 (M-2147), inter alia, consolidating the appeals from the order of the Supreme Court, New York County, entered on or about August 8, 2013, December 16, 2013, January 17, 2014 and August 30, 2014, respectively, and staying, pending hearing and determination of the consolidated appeals, enforcement of the order entered August 30, 2014, as indicated, on condition the consolidated appeals are perfected for the October 2014 Term,

And plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals, and for a continuation of the stay of enforcement of the order entered August 30, 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 enlarging the time to perfect the consolidated appeals to the January 2015 Term, and continuing the stay granted by the order of this Court entered June 5, 2014 (M-2147), upon the same terms and conditions and on further condition that the appeal be perfected on or before November 10, 2014 for said January 2015 Term, pending hearing and determination of the consolidated appeals.

ENTER:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-3204  
Ind. No. 3352/84

-against-

CERTIFICATE  
DENYING LEAVE

Carlos Ramos,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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 of the Supreme Court, Bronx County, entered on or about May 22, 2014, is hereby denied. Defendant's further requests for poor person relief and assignment of counsel are denied as moot.

  
Associate Justice

Dated: August 19, 2013  
New York, New York

ENTERED: SEP 23 2014

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division  
-----X

The People of the State of New York,

M-3453  
Ind. No. 5603/10

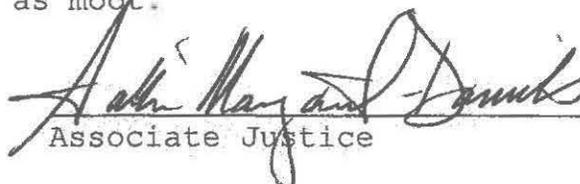
-against-

CERTIFICATE  
DENYING LEAVE

Nolber Quinones,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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 of the Supreme Court, New York County, entered on or about June 17, 2014, is hereby denied. Defendant's further requests for poor person relief and assignment of counsel are denied as moot.

  
Associate Justice

Dated: August 19, 2013  
New York, New York

ENTERED: **SEP 23 2014**