

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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

Monica Cunningham,
Defendant-Appellant.

M-1576
Ind. Nos. 4375/11
5531/10

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 4, 2012, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

Steven Banks, 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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rosalyn H. Richter
Judith J. Gische, Justices.

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

Respondent,

-against-

M-464

Ind. No. 62549C/12

Raymond Mata,

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 December 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Kalieh McMorris, also known as Kaueh
McMorris, also known as Two-Five,

Defendant-Appellant.
-----X

M-2222
Ind. Nos. 3783/08
3190/08
1821/12
Case No. 27538C/12

Defendant having moved for leave to prosecute, as a poor person, the appeals from judgments of the Supreme Court, Bronx County, both rendered on or about March 15, 2013, for leave to have the appeal(s) 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(s) 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.

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

ENTER:


CLERK

Steven Banks, 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

Steven Banks, 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

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

Steven Banks, 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

Steven Banks, 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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

M-2228
Ind. Nos. 3723/03
1343/04

Alexis Padilla, also known as
Roberto Garcia, also known as Jose
Ribira,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 24, 2012, for leave to have the appeal heard upon 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 **resentence**. 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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-2230
Ind. No. 7526/01

Freddie Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 25, 2012, for leave to have the appeal heard upon 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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.

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CLERK

Steven Banks, 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.

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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 13, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Radhames Rodriguez,

Defendant-Appellant.

-----X

M-2232
Ind. No. 4140/10
Case No. 66564C/10

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 March 26, 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) two transcripts 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.

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Steven Banks, 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.

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Steven Banks, 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.

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Steven Banks, 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.

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Steven Banks, 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.

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CLERK

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CLERK

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 13, 2013.

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

-----X

Noelle B. Hollander, as Executrix
of the Estate of Frank O. Braynard,

Defendant-Appellant,

-against-

M-2515
Index No. 650183/09

Richard Faber,

Plaintiff-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 17, 2012,

And defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the 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 the interim relief granted by an order of a Justice of this Court dated May 3, 2013, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x
Vigilant Insurance Company,

Plaintiff-Appellant,

-against-

Ralph Sibbio,

Defendant-Respondent.
-----x

M-838
Index No. 102316/11

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 30, 2012 (mot. seq. no. 002), and said appeal having been perfected,

And defendant-respondent having moved for dismissal of the aforesaid 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.

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 13, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Horaceo Gayle,

Petitioner-Appellant,

M-1784
Index No. 4518/08

-against-

The People of the State of New York,

Respondent-Respondent.
-----X

Petitioner having moved for leave to prosecute, as a poor person, the purported appeal from an unspecified order of the Supreme Court, Bronx County, entered on or about August 6, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of the order sought to be appealed.

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 13, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Zakeima M. B.,
Petitioner-Respondent,

M-1904

Docket No. 0-34849/12

-against-

Wesley B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 5, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Fl., New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the

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

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
In the Matter of

Khadijah Destiny H.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-2572
Docket No. B-25386/09

- - - - -
Family Support Systems Unlimited, Inc.,
et al.,
Petitioners-Respondents,

Carmella R.,
Respondent-Appellant.

- - - - -
Larry S. Bachner, Esq.,
Attorney for the Child.

-----X

An appeal having been taken to this Court from an Order of Disposition of the Family Court, Bronx County, entered on or about July 29, 2011, and said appeal having been perfected,

And Jessica M. Brown, Esq., attorney for the subject child, having moved on the child's behalf for leave to respond to the appeal as a poor person, for the 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11532, Telephone No. 917-378-0176, as counsel for purposes of responding to the appeal;

(2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal currently perfected for the September 2013 Term is adjourned to the October 2013 Term.

ENTER:

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

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 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X

Roman Vinoly,
Plaintiff-Respondent,

-against-

M-2105
Index No. 350033/13

Debora Curbi Inacio Vinoly,
Defendant-Appellant.

-----X

Defendant-appellant having moved, for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about April 5, 2013, and for a stay of the aforesaid order, pending hearing and determination of the appeal, in the event leave is granted,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Ellen Gettinger Grubbs,
Plaintiff-Appellant,

-against-

M-2477
Index No. 150478/12

HSBC Bank, USA, National Association,
etc., et al.,
Defendants-Respondents,

GMAC Mortgage, LLC,
Defendant.

-----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 June 29, 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 October 2013 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 13, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

Rubin Schron, et al.,
Plaintiffs-Respondents,

M-2487

-against-

Index No. 650702/10

Leonard Grunstein, et al.,
Defendants-Appellants,

-and-

Troutman Sanders LLP, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, both entered on or about April 12, 2013 (mot. seq. nos. 025, 036),

And defendants-appellants having moved for consolidation of the aforesaid appeals, and for a stay of the aforesaid order pending hearing and determination of the 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 permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering said appeals. So much of the motion which seeks a stay of the aforesaid orders 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 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x
Namuk Cho,

Plaintiff-Respondent,

-against-

M-2539
Index No. 651089/11

Dow Kim, also known as Do Woo Kim,

Defendant-Appellant.
-----x

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about April 17, 2013 (mot. seq. no. 002), 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, and the interim relief granted by the order of a Justice of this Court dated May 6, 2013, is vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Venecia Venturini,
Plaintiff-Respondent,

-against-

M-1827
Index No. 305594/04

August Venturini,
Defendant-Appellant.

-----X

Appeals having been taken by defendant-appellant pro se from orders of the Supreme Court, New York County, entered on or about August 30, 2011 and March 26, 2012 (mot. seq. no. 014), respectively, and said appeals having been perfected,

And assigned counsel for the subject children having moved to dismiss defendant's appeals or, in the alternative, to strike certain portions of the brief and record; mark the pending motions to enlarge the record off-calendar until the instant motion is decided and to enlarge the time to file the children's respondents' brief for six weeks or until after the instant motion is decided,

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, without prejudice to raising arguments directly on appeal. The Clerk is directed to maintain the appeal on this Court's calendar for the October 2013 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 13, 2013.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Helen E. Freedman
Paul G. Feinman, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-2546

Ind. No. 3858/08

Jeromi Vasquez,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about July 7, 2011,

And defendant-appellant pro se having moved for an order directing the he be provided with an additional copy of the transcripts of the proceedings in connection with the aforesaid 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, said material having already been provided to defendant-appellant's assigned appellate counsel.

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 13, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----X
George Karfunkel,
Plaintiff-Appellant-Respondent,

-against-

M-2110
Index No. 602244/09

Philip S. Sassower,
Defendant-Respondent-Appellant.
-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on April 4, 2013 (Appeal No. 9276),

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 13, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In the Matter of

Dean W., **M-1992**
Petitioner-Appellant, I.D.V. No. V-155/09

-against-

Karina McK.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about , and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk(s) of Supreme Court and Family Court, Bronx County, to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this

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

Court. **The Clerks of the Supreme Court and Family Court shall transfer the record(s) upon receipt of this order and; (4) directing appellant to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerks of the Supreme Court and Family 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 June 13, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x
In the Matter of the Application of
Rasheen Williams,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1749
Index No. 400930/12

Cyrus R. Vance, III, etc.,
Respondent-Respondent.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order deemed a judgment of the Supreme Court, New York County, entered on or about September 24, 2012, for leave to have the appeal heard upon the original record and 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 said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Jerald Miller,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-2167
Index No. 251040/12

New York State Department of Human
Rights,
Respondent-Respondent.

-----X

Petitioner-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about January 10, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 13, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x
Henry Cherry,
Petitioner,

For a Judgment, etc.,

-against-

M-2497
Index No. 111215/09

Dennis M. Wolcott, etc.,
Respondent.

-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by the order of the Supreme Court, New York County, entered on or about July 2, 2010,

And petitioner having moved for leave to amend the caption with the correct respondent, for an enlargement of time to perfect the proceeding, and for a judgment against respondent,

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 amending the caption, as indicated, and enlarging the time to perfect the proceeding to the October 2013 Term, with no further enlargements to be granted. The motion is 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 June 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
The Board of Managers of the 4260
Broadway Condominium on Behalf of
the Unit Owners,
Plaintiff-Appellant,

-against-

M-2779
Index No. 116708/08

Gregoria De La Cruz, et al.,
Defendants-Respondents.

-----X
The Board of Managers of the 4260
Broadway Condominium on Behalf of
the Unit Owners,
Plaintiff-Appellant,

-against-

Index No. 116705/08

Gregoria De La Cruz, et al.,
Defendants-Respondents.

-----X
The Board of Managers of the 4260
Broadway Condominium on Behalf of
the Unit Owners,
Plaintiff-Appellant,

-against-

Index No. 116701/08

Elisette A. Caballero, et al.,
Defendants-Respondents.

-----X
The Board of Managers of the 4260
Broadway Condominium on Behalf of
the Unit Owners,
Plaintiff-Appellant,

-against-

Index No. 116710/08

Luis Choing, et al.,
Defendants-Respondents.

-----X

Separate appeals having been taken in the above-captioned actions from orders of the Supreme Court, New York County, entered on or about July 24, 2012,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the October 2013 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 13, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

AQ Asset Management LLC, as Successor
to Artist Holdings, Inc., Antiquorum,
S.A., Antiquorum USA, Inc. and Evan
Zimmerman,

Plaintiffs,

-against-

M-2468

M-2828

M-2849

Index No. 652367/10

Michael Levine, Habsburg Holdings Ltd.
and Osvaldo Patrizzi,
Defendants.

-----X

Michael Levine,
Cross-Claim Plaintiff,

-against-

Osvaldo Patrizzi, Simon Leo Verhoeven,
Kerry Gotlib and Michael Haskel,
Cross-Claim Defendants.

-----X

Defendants Habsburg Holdings Ltd. and Osvaldo Patrizzi having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about April 24, 2013 (M-2468),

And defendant/cross-claim plaintiff Michael Levine, Esq., pro se, having cross-moved for certain sanctions against defendants (M-2828),

And plaintiffs having cross-moved for certain sanctions against defendants and to remand this matter to the Court below (M-2849),

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

Ordered that the motion and cross motions are denied (M-2468/M-2828/M-2849).

ENTER:


CLERK

1 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 13, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
 David B. Saxe
 Leland G. DeGrasse
 Rosalyn H. Richter
 Judith J. Gische, Justices.

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

Respondent,

-against-

M-1634
Ind. No. 5082/11

Theodore Parris, also known as
Theodore Paris,

Defendant-Appellant.

-----X

Defendant having moved, both pro se and through trial counsel, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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.

Audrey A. Thomas, Esq., 245-07 Francis Lewis Boulevard, Rosedale, NY 11422, Telephone No. 718-276-2729, 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 13, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-1700

Ind. No. 2770N/12

Tony Manley,
Defendant-Appellant.

-----X

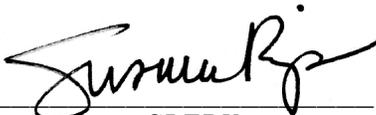
Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 30, 2013, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related 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 only to the extent of deeming the notice of appeal timely filed.

And the motion is deemed to be one for poor person relief, and as such, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 13, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x
The People of the State of New York
ex rel. Wayne James,
Petitioner-Appellant,

-against-

M-1371
Index No. 341089/11

Warden, etc., et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 8, 2012, 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 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 said motion is granted to the extent of directing 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The motion, to the extent it seeks 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 June 13, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-1509
Ind. No. 603/96

Theodore Simpson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered June 21, 2001 (Appeal No. 4580) affirming the judgment of Supreme Court, Bronx County, rendered November 30, 1998,

And defendant-appellant having moved for poor person relief and assignment of counsel in connection with a prospective application for a Writ of Error Coram Nobis, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Kathleen Roche,
Plaintiff-Appellant,

-against-

M-2062
Index No. 113845/08

Jasbir Parmar,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 12, 2012, for failure to timely prosecute,

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 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Kimi C. Puntillo,
Plaintiff-Appellant,

-against-

M-2018
Index No. 600546/10

Anthony Daniele,
Defendant-Respondent.
-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 28, 2011,

And defendant-respondent having moved for dismissal of the aforesaid appeal, for failure to timely perfect,

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

It is ordered that the motion is denied, with leave to renew, upon submission of proof of service on plaintiff-appellant individually, at her last known address.

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 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

CONFIDENTIAL

M-2086

Raudy Moquete De La P.,
Petitioner/Respondent-Appellant,

Docket Nos. 0-12018/10
0-16682/10

-against-

Carmen Guillet-Moquete De La P.,
Respondent/Petitioner-Respondent.

-----X

Petitioner/respondent-appellant having moved to withdraw the appeal from orders of the Family Court, Bronx County, entered on or about September 27, 2011,

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 deemed withdrawn.

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 13, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

John N.,
Petitioner-Respondent,

M-2113
Docket No. V-24370/12

-against-

Dawn McH.,
Respondent-Appellant.

Lourdes Reyes, Esq.,
Attorney for the Child.
-----X

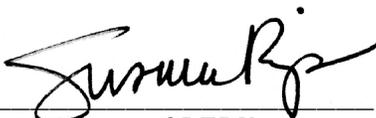
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 3, 2012,

And respondent-appellant having moved for an order withdrawing her 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 appeal is withdrawn.

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 13, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

Respondent,

-against-

M-1863
Ind. No. 1176/10

James O'Donnell,

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 December 14, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for a stay of execution of sentence 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 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, 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. The motion, to the extent it seeks a stay of execution of sentence, 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 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-4412
Ind. No. 3427/99

John Harry, also known as Flint Harry,
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, Bronx County, rendered on or about August 30, 1999, 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 13, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1895
Ind. No. 4130/10

Dennis Sharma,

Defendant-Appellant.

-----X

Defendant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 22, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 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 13, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
251 CPW Housing LLC.,
Petitioner-Landlord-Appellant,

-against-

M-2005
Index No. 570124/12

Yitzhak "James " Pastreich,
Respondent-Tenant-Respondent,

-and-

Jane/John Doe,
Respondents-Undertenants.
-----X

Respondent-tenant-respondent 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 7, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this 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 June 13, 2013.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X
In the Matter of a Proceeding for
Visitation Pursuant to Article 6
of the Family Court Act.

Michael B. M.,
Petitioner-Appellant,

M-2396
Docket Nos. V-8087-07/12C
V-8919-07/12J

-against-

Gnama I.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 10, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

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

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Tower National Insurance Company,

Plaintiff-Appellant,

-against-

M-2564
Index No. 112847/10

Evelyn Douglin Center for Serving
People in Need, Inc., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 7, 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 October 2013 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 13, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Travelers Property Casualty
Company of America, as subrogee
of Ann Taylor Retail Inc., doing
business as Ann Taylor, et al.,
Plaintiff,

-against-

M-2335
Index No. 150161/10

Crane Construction Company, L.L.C.,
et al.,
Defendants-Respondents,

Conbraco Industries, Inc.,
Defendant-Cross-Appellant.

-----X
(And a Third-Party Action)
-----X

Defendant-cross-appellant Conbraco Industries, Inc. having moved for an enlargement of time to perfect its cross appeal from the order of the Supreme Court, New York County, entered on or about June 29, 2012 (mot. seq. no. 006),

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, sua sponte, deeming the aforesaid cross appeal to be the direct appeal and enlarging the time to perfect same to the October 2013 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 13, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Darcel D. Clark, Justices.

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

-against-

M-1589
Ind. No. 3842/10

Marcus King,
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, Bronx County, rendered on or about February 29, 2012, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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, 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 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Delcia W., M-2514
Petitioner-Respondent, Docket No. O-24913/09

-against-

Carl S. W.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 25, 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, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA**

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

1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court (See M-2524, 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 June 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

- - - - -

Delcia W., M-2525
Petitioner-Respondent, Docket No. O-24913/09

-against-

Carl S. W.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, New York County, entered on or about April 25, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11597, Telephone No. 516-994-6831, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-2514, 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 June 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Frank Scalera,
Petitioner-Respondent,

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

-against-

M-2453
Index No. 103293/11

The New York City Department of
Buildings,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 19, 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 October 2013 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 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Albert Togut, as Chapter 7 Trustee
for Berthenia Singleton,
Plaintiff-Respondent,

-against-

Riverbay Corporation,
Defendant-Appellant.
-----X

M-2605
Index No. 302596/08

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about July 17, 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 October 2013 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 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Thelma Jennings,
Petitioner-Respondent,

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

M-2650
Index No. 401489/12

-against-

New York City Housing Authority,
Respondent-Appellant.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 26, 2013, to review a determination of respondent,

And petitioner-respondent having moved to dismiss the proceeding for petitioner's failure to timely transfer the record,

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

It is ordered that the motion is granted to the extent of dismissing the proceeding unless same is perfected on or before September 30, 2013 for the December 2013 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 13, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Peter Cooke-Zwiebach, et al.,
Plaintiff-Respondent,

-against-

Robert I. Oziel, et al.,
Defendants,

Bernard H. Vogel,
Defendant-Appellant.
-----X

M-2588
Index No. 104181/06

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 24, 2012 (mot. seq. no. 017), and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid 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.

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 13, 2013.

Present - Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----x
Leona Washington, Administratrix of
the Estate of Gary Anthony Gaines,
Plaintiff-Respondent-Appellant, M-2400
-against- M-2517
M-2652
M-2829
Nouveau Elevator Industries, Inc., Index No. 310557/08
Defendant-Appellant-Respondent,
RY Management Co., Inc., et al.,
Defendants-Respondents-Appellants.
-----x

An appeal having been taken to this Court by defendant Nouveau Elevator Industries, Inc. from the order of the Supreme Court, Bronx County, entered on or about July 16, 2012, determining the parties motions and a cross motion for summary judgment, and said appeal having been perfected,

And separate cross appeals having been taken by plaintiff and RY Management Co., Inc., et al. from the aforesaid order entered on or about July 16, 2012,

And plaintiff having moved, by separate motions, for an enlargement of time to perfect the aforesaid cross appeals (M-2400), and for consolidation of the direct appeal and cross appeals (M-2652),

And defendants RY Management Co., Inc., et al. having separately cross-moved for an enlargement of time to perfect the their cross appeal (M-2517) and for consolidation of the appeal and cross appeals (M-2829),

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

(M-2400/M-2517)
(M-2652/M-2829)

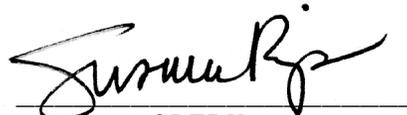
-2-

June 13, 2013

It is ordered that the motion (M-2400) and cross motion (M-2517) are granted to the extent of enlarging the time to perfect the remaining cross appeals to the October 2013 Term, to which Term the perfected appeal (Cal. No. 789) is adjourned, and it is further,

Ordered that the motion (M-2652) and cross motion (M-2829) are granted to the extent of deeming the record filed by defendant Nouveau Elevator Industries, Inc. a joint record on appeal, and the parties are directed to amend the Record cover to reflect same; accordingly, the parties are granted leave to file a supplemental joint record, if so advised. Consolidation of the appeals and cross appeals is granted to the extent indicated by the aforesaid direction that the appeals and cross appeals be perfected on a joint record and supplemental joint record, 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 June 13, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Standard Chartered Bank,
Plaintiff-Respondent,

-against-

M-2591
Index No. 653506/11

Ahmad Hamad Al Gosabi and Brothers
Company, et al.,
Defendants-Appellants.

-----X

Appeals having been taken to this Court from an order of the Supreme Court New York County, entered on or about December 14, 2012 and from a judgment of the same Court and Justice entered on or about January 28, 2013, respectively,

And defendants-appellants having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect the same,

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

It is ordered that motion is granted to the extent of deeming the appeal from the order entered on December 14, 2012 subsumed in the appeal from the judgment entered January 28, 2013. Defendants are directed to perfect same for the November 2013 Term.

ENTER:


CLERK

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

BEFORE: Hon. Hon. Angela M. Mazzarelli,
Justice of the Appellate Division

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

M-217
Ind. No.870/07

-against-

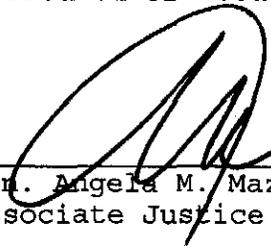
CERTIFICATE
GRANTING LEAVE

Brian Carmichael,
Defendant-Appellant.

-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about December 14, 2012.

Dated: *May 8*, 2013
New York, New York



Hon. Angela M. Mazzarelli
Associate Justice

ENTERED

JUN 13 2013

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

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

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

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

M-2417
Ind. No. 1612/1993

-against-

CERTIFICATE
DENYING LEAVE

Eliot Lopez,
Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, 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 (Steven Barrett, J.), entered on or about January 30, 2013 is hereby denied

Dated: May 17, 2013
New York, New York

Associate Justice

ENTERED: **JUN 13 2013**