

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 20, 2013.

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

-----X
William Giannini and Eileen Giannini,
Plaintiffs-Respondents,

-against-

M-2476X
Index No. 110275/09

56 Leonard LLC, New York Law School
and Pavarini McGovern, LLC,
Defendants-Appellants.

-----X
New York Law School
and Pavarini McGovern, LLC,
Third-Party Plaintiffs,

-against-

A-Val Architectural Metal Corporation,
Third-Party Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 1, 2013, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----X
Efraim Shurka,
Plaintiff,

-and-

M-1227
Index No. 304584/08

Ester Zernitsky,
Third-Party/Plaintiff-Appellant,

-against-

Jane Shurka,
Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 2, 2013,

And defendant-respondent having moved for an order dismissing the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated March 14, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----x
In the Matter of the Application of
Barry Fried,
Petitioner-Respondent,

For the Appointment of a Guardian
of the Person and Property of

Dorothy Friedman,,
An Alleged Incapacitated Person.

M-1410
Index No. 500073/10

Karen Young,
Interested Party-Appellant.

(And another action)
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 15, 2011, and said appeal having been perfected,

And appellant having moved for a stay of all proceedings, including trial, pending hearing and determination of the aforesaid appeal,

And an order of this Court having been entered on May 14, 2013 (M-1787) deeming the aforesaid appeal withdrawn,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated March 29, 2013 from Mischel & Horn, P.C. (Scott T. Horn, of counsel), counsel for appellant, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, and order entered on May 14, 2013 (M-1787).

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 20, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
James L. Melcher,
Plaintiff-Respondent,

-against-

Greenberg Traurig LLP, et al.,
Defendants-Appellants.

-----X

M-900
M-1056
Index No. 650188/07

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 17, 2013 (Appeal No. 8207) [M-900],

And plaintiff-respondent having separately moved for leave to file certain exhibits under seal, and for other relief [M-1056]

Now, upon reading and filing the papers with respect to the motions, and the correspondence dated May 3, 2013 from Jeffrey A. Jannuzzo, Esq., counsel for plaintiff-respondent, and due deliberation having been had thereon,

It is ordered that the motions are 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 June 20, 2013.

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

-----X
National Union Fire Insurance
Company,
Plaintiff-Respondent,

M-2042
Index No. 100526/10

-against-

James Wrynn, etc., et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 30, 2012,

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

It is ordered that the appeal, previously perfected for the January 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----X

Andrew Weltchek,

Plaintiff-Appellant,

-against-

Judah Tyrnauer, et al.,

Defendants-Respondents.

-----X

M-2283

Index No. 114030/11

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

Now, upon reading and filing the stipulation of the parties hereto, filed April 19, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----X
Evelyn Narducci,

Plaintiff-Appellant,

-against-

M-2395
Index No. 303278/10

Nicholas Price, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 29, 2012,

Now, and upon reading and filing the stipulation of the parties hereto dated April 23, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 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-

Randy Barnell, also known as Randall
Bennett,
Defendant-Appellant.

M-1782A
Ind. No. 2883/07
Case Nos. 39748C/07
38747C/07

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 2, 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, 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 order of this Court entered on May 22, 2012 (M-1782) is hereby recalled and 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 20, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Paul G. Feinman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2205

Ind. No. 963/12

Martin Concepcion,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 21, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including the amount and sources of his income and listing his property with its value, and an explanation why similar funds are not available to prosecute this appeal.

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 20, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-2208

Ind. No. 1467/10

Kathleen Davis,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 1, 2013, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Phillipe Dussek, Esq.,) to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 20, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Paul G. Feinman, Justices.

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

- - - - -
Karen L.,
Petitioner-Respondent,

M-2288
Docket No. F-4280/07

-against-

Joe Chung Q.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about January 9, 2013, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including information pertaining to real property located at 61-15 98th Street, 16B, Rego Park, NY 11374.

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 20, 2013.

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

-----X
Western Heritage Insurance Company,

Plaintiff-Appellant,

-against-

M-2486
Index No. 115878/10

MK Realty Holdings, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 10, 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 November 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 20, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X

In re Julianne Polita,
Petitioner-Appellant,

-against-

M-2675
Index No. 104919/11

The New York City Department of
Education, etc.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 28, 2013 (Appeal No. 9510),

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 in the County of New York on June 20, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Alyce Sapp, et al.,

Plaintiffs-Respondents,

-against-

M-2894

Index No. 450677/13

The City of New York, et al.,

Defendants-Appellants.
-----X

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

And defendants-appellants having moved to stay enforcement of the aforesaid order 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, without prejudice to arguments advanced by appellants on the appeal.

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 20, 2013.

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

-----X

Eric Harder, et al.,
Plaintiffs-Respondents,

-against-

M-2250

Index No. 652811/11

Clay Pierce, et al.,
Defendants-Appellants,

Michael Rosenbaum, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2013,

And defendants-appellants having moved for leave to enlarge the record on appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated April 26, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----X
Michelle Edelstein,

Plaintiff-Respondent,

-against-

Ronald J. Edelstein,

Defendant-Appellant.
-----X

M-1100

Index No. 313371/09

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 25, 2013,

And defendant-appellant having moved for a stay of the aforesaid order pending hearing and determination of the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated April 22, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-2093
Docket No. 2012BX049323

F.T.,
Defendant,

In the Matter of Grand Jury Subpoena
Duces Tecum Served on M.B.,
Movant-Appellant.

-----x

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

And movant having moved for relief in the nature of a preliminary appellate injunction 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 the stipulation of the parties dated April 17, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
In the Matter of Application for the Custody and Guardianship of

Elijah Brody R., and
Emily Jane Star R.,

Minor Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Catholic Guardian Society and Home Bureau, et al.,
Petitioners-Respondents,

M-2543
Docket Nos. B-42735/10
B-42736/10

Evelyn R., also known as Evelyn O.,
Respondent-Appellant,

John Domic R., also known as John Domenic R.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Separate appeals having been taken from the orders of the Family Court, New York County, entered on or about March 28, 2013,

And respondent-appellant mother, Evelyn R., also known as Evelyn O., having moved for leave to prosecute her appeals as a poor person, and for assignment of counsel, a free copy of the transcript(s), 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 appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) 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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect the appeals, 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-2583 and M-2670, decided simultaneously herewith.)

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 20, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
In the Matter of Application for the Custody and Guardianship of

Elijah Brody R., and
Emily Jane Star R.,

Minor Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Catholic Guardian Society and Home Bureau, et al.,
Petitioners-Respondents,

M-2583
Docket Nos. B-42735/10
B-42736/10

Evelyn R., also known as Evelyn O.,
Respondent-Appellant,

John Domic R., also known as John Domic R.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Separate appeals having been taken from the orders of the Family Court, New York County, entered on or about March 28, 2013,

And respondent-appellant father, John Domic R., also known as John Domic R., having moved for leave to prosecute his appeals as a poor person, and for assignment of counsel, a free copy of the transcripts, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) 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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect the appeals, 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-2543 and M-2670, decided simultaneously herewith.)

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 20, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische, Justices.

-----X
In the Matter of Application for the
Custody and Guardianship of

Elijah Brody R., and
Emily Jane Star R.,

Minor Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

Catholic Guardian Society and Home
Bureau, et al.,

Petitioners-Respondents,

M-2670
Docket Nos. B-42735/10
B-42736/10

Evelyn R., also known as Evelyn O.,
Respondent-Appellant,

John Domenic R., also known as John
Domenic R.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Children.

-----X
Separate appeals having been taken from orders of the
Family Court, New York County, entered on or about March 28, 2013,

And respondent-appellant father, John Domenic R., also
known as John Domenic R., having moved for a stay of all adoption
proceedings pending hearing and determination of the appeals 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. (See M-2543 and
M-2583, 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 20, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

William M.,
Petitioner-Respondent, **M-2154**
Docket Nos. V-21674/12
V-27481/12

-against-

Isamar G.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 5, 2013, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR(a), setting forth the terms of retainer agreement with counsel Nestor Rosado, Esq., the amount and sources of monies for counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by respondent.)

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 20, 2013.

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

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

-against-

M-2567
Ind. No. 4680/10

Moses Juarez,
Defendant-Appellant.

-----x

An appeal having been taken to this Court by defendant from a judgment of the Supreme Court, New York County, rendered on or about January 17, 2013,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of 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 denied, with leave to renew upon defendant's submission of a notarized affidavit in compliance with CPLR 1101(a), as set forth in the prior order of this Court entered on April 9, 2013 (M-1134), setting forth the terms of defendant's retainer agreement with trial counsel, Dawn Florio, Esq., as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 20, 2013.

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

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

-against-

M-1984
Ind. No. 4574N/11

Luis A. Cruz,
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 May 22, 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion is also deemed one for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, 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. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 20, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Sayquan Diaz, also known as Jaquin
Diaz,

M-2171

Case No. 14049C/90
Ind. No. 480/10
Case No. 341C/10

Defendant-Appellant.
-----X

Defendant having moved for an extension of time in which to file notices of appeal from judgments of the Supreme Court, Bronx County, rendered on or about January 30, 2013 and February 19, 2013, 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 notices 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 June 20, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X

George Polgano, et al.,
Plaintiffs-Appellants,

-against-

M-2311
Index No. 302102/07

Nicholas Christakos, et al.,
Defendants,

St. Barnabas Hospital,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 14, 2013 (Appeal No. 8951),

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 20, 2013.

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

-----x
Darrell Bridgers, et al.,

Plaintiffs-Appellants,

-against-

M-2644
Index No. 112204/07

West 82nd Street Owners Corp., et al.,

Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiffs from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 6, 2012 (mot. seq. no. 003), and from the order of said Court entered on or about August 6, 2012 (mot. seq. no. 010), respectively,

And plaintiffs-appellants having moved for an order enlarging the record on appeal to include various deposition transcripts and an affirmation by defense counsel in a related action entitled *Darrell Bridgers v West 82nd St. Owners Corp.* (Index No. 654399/12), 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2051
Ind. No. 3904/11

Amado Phillips,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 21, 2011, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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 appeal 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 20, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

Delios Licorish,

Plaintiff-Respondent,

-against-

L'Oreal, USA, Inc., et al.,

Defendants-Appellants.

-----X

M-1207

Index No. 570716/11

Defendants-appellants having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 18, 2012, for a stay of all proceedings pending hearing and determination of the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, filed April 29, 2013, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Lefone E., also known as Lafone E.,

Defendant-Appellant.

-----X

SEALED
M-2099
Ind. No. 1315/11

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 January 7, 2013,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2097
Ind. No. 1000/10

Marsha Murota,
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 July 25, 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

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

-against-

Ignacio Pena,
Defendant-Appellant.

M-2101
Ind. No. 64/10
Case No. 78116C/09

-----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 March 16, 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 notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

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

-against-

M-2131
Ind. No. 3924/12

Evelyn Santiago,
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 January 30, 2013, 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 notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

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

Respondent,

-against-

M-1829

Ind. No. 4370/08

Carlos Tapia,

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, Bronx County, rendered on or about February 28, 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, 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 20, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
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.

Raymond A., Petitioner-Respondent, **M-2861**
Docket Nos. V-755/12
V-755-12/12A

-against-

Lisa M. H., Respondent-Appellant.

Dawn Lori O'Brien-Gans, Esq.,
Lawyers for Children,
Attorney for the Child.
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from a Final order on Petition for Custody and Visitation of the Family Court, New York County, entered on or about April 30, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-4420A
Ind. No. 4649/11

Kahn Hightower,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 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.

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 order of this Court entered on December 11, 2012 [M-4420] (Corrected Order March 4, 2013) is hereby recalled and 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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

-----x
The People of the State of New York
ex rel. Anthony Williams,
Petitioner-Appellant,

-against-

M-1902
Index No. 402707/12

Luis Rivera, Warden, etc.,
Respondent.
-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about January 17, 2013, 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 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 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 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 June 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

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

-against-

M-2123
Ind. No. 3273/12

Jarrell J. Newman,
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 February 26, 2013,

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

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

The motion is also deemed one for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, 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. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

David Gelbuda,
Plaintiff-Respondent,

-against-

M-2578
Index No. 101017/09

Second Stage Theater, Inc.,
Defendant-Appellant,

The Opera Owners Inc., et al.,
Defendants.

-----X

Defendant-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 11, 2012 (mot. seq. nos. 003-007),

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 on or before August 5, 2013 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 20, 2013.

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

-----X
61 Fifth Ave. LLC,

Plaintiff-Respondent,

-against-

M-2289

Index No.101995/12

Wilshire Limited, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order enlarging the time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about June 18, 2012 (mot. seq. no. 002), an order of the same Court and Justice entered on or about July 11, 2012 and an order and judgment (one paper) entered on or about September 12, 2012, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the November 2013 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals. Appellants are directed to perfect said consolidated appeals on or before September 3, 2013 for said November 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 20, 2013.

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

-----X
Aldyfrell Gonzalez,
Petitioner-Appellant,

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

M-2655
Index No. 103193/12

-against-

Raymond Kelly, as Police Commissioner
of the City of New York, The New York
City Police Department and the City of
New York,
Defendants-Respondents.

-----X

Petitioner-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 September 12, 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 November 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 20, 2013.

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

-
-----X
HSBC Bank, USA, et al.,
Plaintiffs-Respondents.

-against-

M-2664
Index No. 381904/09

Betty Lugo,
Defendant-Appellant,

New Century Mortgage Corporation,
et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about 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 December 2013 Term.

ENTER:


CLERK

CORRECTED ORDER - September 16, 2013

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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Judith J. Gische, Justices.

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

-against-

M-2136
Ind. No. 3379/10

Andre Graham,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 25, 2011 (M-4018), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about July 22, 2011, under Ind. No. 3379/10, and assigning counsel therefor,

And an order of this Court having been entered on December 11, 2012 (M-4275), inter alia, granting defendant's motion for an order amending the notice of appeal and order of assignment to include the appeal from the judgment of **resentence** of said Court rendered on or about August 9, 2011 under the same indictment number,

And defendant-appellant having moved for an order amending the notice of appeal and the aforesaid order of assignment to include the judgment of **resentence** of said Court rendered on or about **April 9, 2013** under the same indictment number,

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 the judgment of **resentence** of the Supreme Court, New York County, rendered on or about **April 9, 2013**, 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 June 20, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Eric Lopez,

Plaintiff-Respondent,

-against-

Abayev Transit Corp.,

Defendant-Appellant.
-----X

M-2104
Index No. 303271/09

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 12, 2013 (Appeal No. 9502),

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 20, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Darcel D. Clark, Justices.

-----X
Peter Voutsas,
Plaintiff-Appellant,

-against-

Ralph R. Hochberg, et al.,
Defendants-Respondents.

M-1391
M-1856
Index No. 115389/10

-----X

Plaintiff-appellant having moved for, inter alia, vacatur, modification, renewal and/or reconsideration of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 7, 2013 (Appeal No. 9214) [M-1391],

And defendants-respondents having cross-moved for an order awarding sanctions and costs (M-1856),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

-----x
Alexandre Angé
Plaintiff-Appellant,

-against-

M-2599
Index No. 108196/08

Sandra Holley-Angé, Individually and
as Administratrix of the Estate of
Jean-Paul Angé,
Defendant-Respondent.

-----x

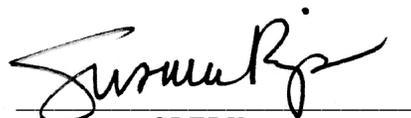
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 26, 2013,

And plaintiff-appellant having moved for modification of a certain temporary restraining order, in order to continue a restraint referenced therein or, in the alternative, for relief in the nature of a preliminary appellate injunction enjoining defendant, their agents or others from transferring, withdrawing, distributing, encumbering or disposing of funds attributable to the BNP Pension Plan and BNP 401(K) plan in decedent Jean Paul Ange's name, the so called "Distributed Benefits", 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 granted to the extent of enjoining defendant from transferring, withdrawing, distributing, encumbering or disposing of the aforesaid "Distributed Benefits" in decedent Jean Paul Ange's BNP pension plan and 401(k) plan pending hearing and determination of the appeal. 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 20, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Brenda Pomerance, etc.,

Plaintiff-Appellant,

-against-

M-1993
Index No. 650129/11

Brian Scott McGrath, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved resettlement and/or clarification of the decision and order of this Court entered March 7, 2013 (Appeal Nos. 9455-9457),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated May 2, 2013 from Kagan Lubic Lepper Finkelstein & Gold, LLP (Jack Lepper, of counsel), counsel for defendants-respondents, 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 June 20, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Helen E. Freedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Shawntay S.,

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

Administration for Children's Services,
Petitioners-Respondents,

M-2986
Docket No. NN-28136/11

Stephanie R.,
Respondent-Appellant.

Lewis S. Calderon, Esq.,
Attorney for the Child.

-----X

Lourdes Reyes, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 8, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of 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.

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 20, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
Juliet E. Orgill, et al.,
Plaintiffs-Respondents,

-against-

M-2047
Index No. 101142/10

Ingersoll-Rand Company and Trane, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about March 8, 2013, 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 to the extent any was afforded by an order of a Justice of this Court dated April 8, 2013 is hereby 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 20, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
Zalaya Tart, an Infant by her Mother
and Natural Guardian, Kia Bynoe, and
Kia Bynoe, Individually,
Plaintiffs-Respondents,

-against-

M-2576
Index No. 301311/07

New York Bronx Pediatric Medicine, P.C.,
Ronald Arevalo, M.D.,
Defendants-Appellants,

Anthony Njapa, M.D., et al.,
Defendants.

-----X

Separate appeals having been taken by New York Bronx Pediatric Medicine, P.C., et al. and St. Barnabas Hospital, respectively, from an order of the Supreme Court, Bronx County, entered on or about July 17, 2012, and separate appeals having been taken by the aforesaid defendants from a judgment of the Supreme Court, Bronx County, entered on or about August 30, 2012 (denominated as "Revised Counter Judgment"),

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

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

It is ordered that the motion is granted to the extent of deeming the appeals from the order of Supreme Court, Bronx County, entered on or about July 17, 2012 as subsumed in the appeals from the judgment of said Court entered August 30, 2012, and enlarging the time to perfect the appeals from same to the November 2013 Term. The respective defendants-appellants are directed to perfect the appeal upon 9 copies of one record and one set of appellants' points for the aforesaid November 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 20, 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,
Respondent,

-against-

M-1998
Ind. No. 6519/09

Jose Antonetty,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 17, 2012 (M-2668) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2011, and assigning Glenn R. Abolafia, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Glenn R. Abolafia, Esq., 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, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 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,

Respondent,

-against-

M-1995

Ind. No. 1381/09

Oman Gutierrez,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2010, 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 premature, the appeal having not been perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Michael I. Knopf, et al.,
Plaintiffs-Appellants,

-against-

M-2881
Index No. 113227/09

Michael Hayden Sanford, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 11, 2012 (mot. seq. no. 011),

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 on or before July 8, 2013 for the September 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 20, 2013.

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

-----X

Marta Alvarez,
Plaintiff-Appellant,

-against-

M-1710

Index No. 306222/09

NYLL Management Ltd., et al.,
Defendants-Respondents.

-----X

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

And defendants-respondents having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the correspondence from counsel for defendants-respondents, dated April 15, 2013, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 2013.

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

-----X
Credit Agricole Corporate and
Investment Bank New York Branch,
formerly known as Calyon New York
Branch, et al.,
Plaintiffs-Respondents,

-against-

BDC Finance, L.L.C., et al.,
Defendants-Appellants.

M-2388
Index No. 651989/10

-----X
Black Diamond Capital Management,
L.L.C., et al.,
Counterclaim-Plaintiffs-Appellants,

-against-

Credit Agricole Corporate and
Investment Bank New York Branch,
formerly known as Calyon New York
Branch, et al.,
Counterclaim-Defendants-Respondents.

-----X

Counterclaim-plaintiffs-appellants Black Diamond Capital Management, L.L.C. 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 September 6, 2012 (mot. seq. no. 007),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, including the stipulation of the parties dated May 22, 2013,

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 June 20, 2013.

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

-----X
In the Matter of the Estate of

Matilda P. Hoffer,

Deceased.

M-2833
Surrogate's Court
File No. 2011-1358

Joseph McQuade,
Petitioner-Appellant,

Hugh Campbell, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Surrogate's Court, Bronx County, entered on or about May 9, 2013 and modified by order of the same Court, entered on or about May 14, 2013,

And petitioner-appellant having moved to stay the order of the Surrogate's Court entered on or about May 14, 2013, insofar as it vacated the order of said Court entered on or about May 9, 2013, 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 granted, and the order of said Surrogate's Court entered on or about May 14, 2013 is stayed to the extent it vacated the aforesaid May 9, 2013 order and, accordingly the order entered on May 9, 2013 is reinstated, all pending hearing and determination of the appeal.

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 20, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-4420A
Ind. No. 4649/11

Kahn Hightower,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 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.

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 order of this Court entered on December 11, 2012 [M-4420] (Corrected Order March 4, 2013) is hereby recalled and vacated.

ENTER:


CLERK

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

The People of the State of New York,	:	M - 768
	:	
- against -	:	CERTIFICATE
	:	DENYING LEAVE
Bobby Lee.	:	
	:	Indictment No.
	:	7055/87

-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, 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 County, entered on or about July 10, 2012, is hereby denied.

Dated: New York, New York

May 16, 2013

ENTERED JUN 20 2013

Luis A. Gonzalez
Justice

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-2024
Ind. No. 2733/09

-against-

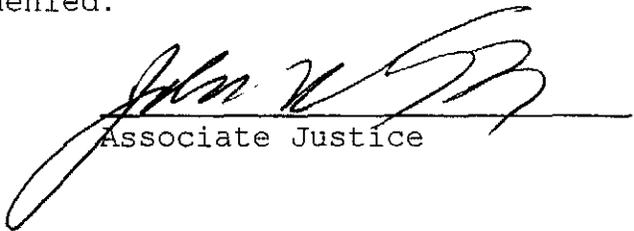
CERTIFICATE
DENYING LEAVE

Kennedy Howe,

Defendant.

-----X
I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-5832), entered on January 31, 2013, which denied his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15, no question of law or fact having been misapprehended or overlooked, presented which ought to be reviewed by the Appellate Division, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about June 26, 2012 (Ruth Pickholz, J.) is hereby denied.

Dated: May 23, 2013
New York, New York


Associate Justice

ENTERED: JUN 20 2013

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-2444
Ind. No. 7282/01

-against-

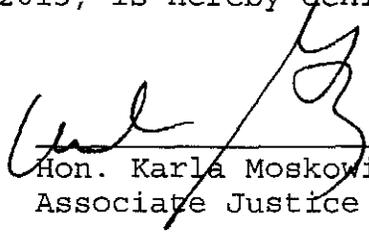
CERTIFICATE
DENYING LEAVE

Wayne Mason

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 February 20, 2013, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: *May 28*, 2013
New York, New York

ENTERED: **JUN 20 2013**

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

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

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

M - 2382
Ind. No. 477/04

-against-

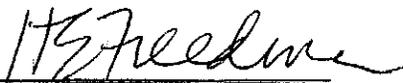
ORDER DENYING LEAVE
UPON REARGUMENT

NATHANIEL JONES,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-1541), entered on April 26, 2012, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about November 15, 2007 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: May 20, 2013
New York, New York

ENTERED: **JUN 20 2013**

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

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

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

M-2009
Ind. No. 0057/06

-against-

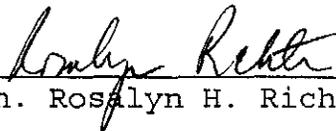
CERTIFICATE
DENYING LEAVE

Eddy Momplaisir,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 11, 2011, is hereby denied.



Hon. Rosalyn H. Richter

Dated: May 7, 2013
New York, New York

ENTERED: **JUN 20 2013**

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

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

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

M-1525
Ind. No. 3664/2004

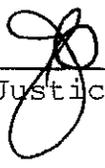
-against-

CERTIFICATE
DENYING LEAVE

Rohan Campbell,
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 (Leonard Livote, J.), entered on or about December 17, 2012 is hereby denied



Associate Justice

Dated: June 13, 2013
New York, New York

ENTERED: **JUN 20 2013**

PM ORDERS
ENTERED ON
JUNE 20, 2013

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 20, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

The People of the State of New York,

-against-

M-3330
Ind. No. 6044/07

Anthony Marshall,
Defendant.

-----X

Defendant Anthony Marshall having moved for a stay of execution of judgment and bail pending hearing and determination of a purported appeal,

And interim relief having been granted by a Justice of this Court on June 19, 2013,

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

It is ordered that the motion is denied and the interim relief granted by a Justice of this Court, dated June 19, 2013, is hereby vacated.

ENTER:



CLERK