

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 25, 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-2284
Ind. No. 3687N/05

Wander Duran De La Rosa,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 13, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated April 17, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2013.

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

-----X

DLJ Mortgage Capital, Inc.,
Plaintiff-Respondent,

-against-

M-2295
Index No. 104675/10

Georgia Kontogiannis, et al.,
Defendants-Appellants,

Thomas Kontogiannis, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 14, 2011, November 16, 2011, December 1, 2011 and December 6, 2011 and from judgments of the same Court and Justice entered on or about December 2, 2011, December 6, 2011 and November 25, 2012, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated April 18, 2013, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the March 2013 Term, are withdrawn in accordance with the aforesaid stipulation.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 25, 2013.

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

-----X
Doris DeMarquet,
Plaintiff-Respondent,

-against-

M-2516
Index No. 300167/10

Fernando DeMarquet,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 7, 2011,

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 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 25, 2013.

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

-----X
In the Matter of

Lisa Melissa P., and Michelle P.,
also known as No Given Name L.,
also known as Michelle Faith L.,

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

M-2156
Docket Nos. B-00590/11
B-00591/11

- - - - -
Episcopal Social Services, et al.,
Petitioners-Respondents,

Andrea Marie L., also known as
Andrea L.,
Respondent-Appellant.

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

-----X
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about August 28, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated April 8, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 25, 2013.

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

-----X
1234 Stratford Associates, LLC,
Petitioner,

For a Judgment, etc.,
-against-

M-2681
DC #1
Index No. 260375/11

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

Respondents.
-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 11, 2011,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding 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 25, 2013.

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

-----X
In the Matter of the Application of
60 91st Street Corp., et al.,
Petitioners,

For a Judgment, etc.,

-against-

M-2682

DC #2

Index No. 105687/10

New York State Department of Housing
and Community Renewal,
Respondent.

-----X

And Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 15, 2010,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding 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 25, 2013.

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

-----X
E & O Realty Associates, et al.,
Petitioners,

For a Judgment, etc.,

-against-

M-2686
DC #5
Index No. 112139/11

The City of New York, et al,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 19, 2012,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding 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 25, 2013.

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

-----X
Naomi Gonzalez,

Petitioner-Appellant,

-against-

New York City Department of Housing
Preservation and Development,

M-2687
DC #6
Index No. 401323/11

Respondent-Respondent.
-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about November 25, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 25, 2013.

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

-----X
Ronald Grassel,

Plaintiff-Appellant,

-against-

Department of Education of the City
of New York, et al.,

M-2688
DC #7
Index No. 105552/05

Respondents-Respondents.
-----X

And appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about March 13, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 25, 2013.

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

-----X
Sheldon Lamar Hunt,

Petitioner-Appellant,

-against-

Joel Klein, etc.,

Respondent-Respondent.
-----X

M-2691
DC #10
Index No. 111759/10

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

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 25, 2013.

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

-----X

In the Matter of The Application for M-2692
the Guardianship of DC #11
Alba Polidoro Index No. 91677/11

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 12, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 25, 2013.

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

-----X
Michelle Jacobs,
Petitioner,

For a Judgment, etc.,
-against-

M-2693
DC #12
Index No. 110373/11

The New York City Department of
Housing Preservation and Development,
et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 3, 2012,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding 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 25, 2013.

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

-----X
In the Matter of

Desean S., **M-2702**
DC #21
A Person Alleged to Be a Juvenile Docket No. D-26630/10
Delinquent,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 7, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is
Ordered that the aforesaid 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 25, 2013.

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

-----X

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

M-2703

DC #22

Docket No. V-25197/09

- - - - -
Joseph S.,
Petitioner-Appellant,

-against-

Dianne McK. S.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about December 8, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid 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 25, 2013.

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

-----X
In the Matter of

Typree S.,
A Person Alleged to be a Juvenile
Delinquent,

M-2704
DC #23
Docket No. D-30379/10

Respondent-Appellant.
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about February 4, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid 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 25, 2013.

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

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

- - - - -
Vernetta W.,
Petitioner-Appellant,

M-2711
DC #30
Docket No. V-16108/10

-against-

Cynthia B.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about October 25, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid 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 25, 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-2233
Ind. No. 1081/12

Miguel Rodriguez, also known as
Mikey,
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 March 4, 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.

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 25, 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-2221

Ind. No. 5128/11

Joseph Mirabal, also known as Jason
Mariabel,
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 13, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Royce Russell, Esq., the amount and sources of funds for trial 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 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 25, 2013.

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

-----X
Yuying Qui,
Plaintiff-Respondent,

-against-

M-2465
Index No. 111285/09

98 Rivington Realty Corp.,
Defendant-Appellant,

J&J Grocery & Deli Corp. and
Rajeh Jawad,
Defendants.

-----X

Defendant-appellant 98 Rivington Realty Corp. 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 28, 2012 (mot. seq. no. 005),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 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-

Maurice Seymore,
Defendant-Appellant.

M-2170
Ind. Nos. 2085/10
31463C/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, Bronx County, rendered on or about January 24, 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.

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 25, 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-2172
Ind. Nos. 3606/09
Durville Small, Case No. 58914C/09
Defendant-Appellant.
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 21, 2011, 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 25, 2013.

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

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

-against-

Gabriel Thompson, also known as
Gabby,
Defendant-Appellant.

M-2176
Ind. No. 3400/10
Case No. 55961C/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, Bronx County, rendered on or about September 27, 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.

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 25, 2013.

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

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

-against-

M-2180
Ind. No. 831/83

Melvin S. Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (January 14, 2013, J.) entered on or about January 14, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 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-2184
Ind. No. 3819/10

Wilfredo Medina,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tallmer, J.) entered on or about April 8, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

Svelana Prokhorova, et al.,
Plaintiffs-Appellants,

-against-

M-2299
Index No. 307718/08

Angeliki Kasimis, et al.,
Defendants,

The City of New York,
Defendant-Respondent.

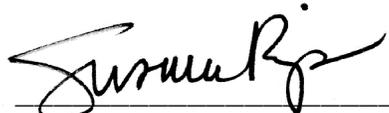
-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 21, 2013 (Appeal No. 9587N),

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 25, 2013.

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

-----X
Amelia C. Sewer,
Plaintiff-Respondent,

-against-

M-1924
Index No. 104416/09

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

New York City Housing Authority,
Defendant-Appellant.

-----X
New York City Housing Authority,
Third-Party Plaintiff-Appellant,

Third-Party
Index No. 590479/12

-against-

The City of New York,
Third-Party Defendant-Respondent.

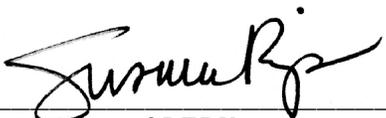
-----X

Defendant/third-party plaintiff-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 11, 2013,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 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-1382
Ind. No. 2485/87

Luis Bernal,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 26, 1990 (Appeal No. 13041), unanimously affirming a judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on November 17, 1987,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2013.

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

-----X
American Express Travel Related
Services, Inc.,
Plaintiff-Appellant,

-against-

Edwardo Espinoza,
Defendant-Respondent.

M-2796
Index No. 27544/90

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 12, 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 25, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Julio Ortiz,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant-Appellant,

M-1568

Index No. 15143/05

The New York City Transit Authority,
et al.,
Defendants,

Shelter Express Corp.,
Defendant-Respondent.

- - - - -

The City of New York,
Third-Party Plaintiff-Appellant,

The New York City Transit Authority,
et al.,
Third-Party Plaintiffs,

Viacom Outdoor Incorporated, et al.,
Third-Party Defendants-Respondents.

-----X

CPS Outdoor, Inc., initially sued herein as Viacom Outdoor Incorporated and New York Subway Advertising Co., Inc. having moved for resettlement of the decision and order of this Court entered on February 28, 2013 (Appeal No. 9407),

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 decision and order of this Court entered on February 28, 2013 (Appeal No. 9407) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9407 and M-2090, 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 25, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Julio Ortiz,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant-Appellant,

M-2090

Index No. 15143/05

The New York City Transit Authority,
et al.,
Defendants,

Shelter Express Corp.,
Defendant-Respondent.

- - - - -

The City of New York,
Third-Party Plaintiff-Appellant,

The New York City Transit Authority,
et al.,
Third-Party Plaintiffs,

Viacom Outdoor Incorporated, et al.,
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant The City of New York having moved for reargument of the decision and order of this Court entered on February 28, 2013 (Appeal No. 9407),

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-1568, 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 25, 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-

Joseph Rivera,
Defendant-Appellant.

M-2050
Ind. Nos. 2608/00
1977/00

-----X

Defendant-appellant having moved for dismissal of the appeal taken from the judgment of **resentence** of the Supreme Court, Bronx County, entered on or about February 1, 2010,

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 25, 2013.

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

-----x

Won J. Moon,

Plaintiff-Appellant,

-against-

M-2313

Index No. 302589/09

Columbus Transit, Inc., LLC, et al.,

Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about December 26, 2012, as untimely taken (CPLR 5513[a]),

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

It is ordered that the motion is denied. Sua sponte, the matter is referred to the Office of Referees for a traverse hearing in Supreme Court, Bronx County, to hear and determine with respect to the timeliness of the taking of the appeal including but not limited to the issue of service of the order with notice of entry upon plaintiff-appellant, with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

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 25, 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
Richard Lawrence Dombroff,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules, M-2276
Index No. 400658/12
-against-

Brian Fischer, Commissioner,
NYSDOCCS, et al.,
Respondents.

-----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 November 19, 2012, to review a determination of respondent,

And petitioner-appellant, pro se, having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner 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 25, 2013.

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

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

-against-

M-2291
Ind. No. 3471/07

Christopher Salas,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 13, 2011, 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 upon 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 25, 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

Marlon C.,

A Person Alleged to Be a Juvenile
Delinquent,

M-2611
Docket No. D-42012-12

Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the order of the Family Court, New York County, entered on or about April 3, 2013, as a poor person, 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 and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Andrew Baer, Esq., 299 Broadway Suite 1415, New York, N.Y. 10007, Telephone No. (212)233-0318, is assigned 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 State 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) directing appellant to perfect this appeal **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 25, 2013.

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

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

-against-

M-2842
Ind. No. 99022/13

Joel Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Tallmer, J.) entered on or about April 25, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial 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 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 25, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

In re Christopher Asch,
Petitioner-Respondent,

-against-

M-1925
Index No. 108528/10

The New York City Board/
Department of Education,
Respondent-Appellant.

-----X

Petitioner-respondent, pro se, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 5, 2013 (Appeal No. 8655),

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 25, 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-

Carlos Duarte,
Defendant-Appellant.

M-2112
M-2153
Ind. No. 2710/97

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 4, 2008 (M-2112),

And the People having cross-moved for an order limiting the notice of appeal filed in 2008 to the issues related to the length of defendant's sentence under the above captioned indictment number (M-2153),

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 is granted to the extent of enlarging the time in which to perfect the appeal to the October 2013 Term (M-2112). The cross motion is denied (M-2153).

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 25, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

Steve Brooks Nichols,
Plaintiff-Appellant,

-against-

W. Robert Curtis, etc., et al.,
Defendants-Respondents.

M-2190
M-2320
Index No. 112297/08

Marian C. Rice,
Nonparty-Respondent.

-----X

Plaintiff-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 19, 2013 (Appeal Nos. 9352-54/9354A/9355-56), and for a stay of proceedings (M-2190),

And nonparty-respondent having cross-moved for an order granting the aforesaid relief (M-2320),

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 25, 2013.

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

-----X
Michelle Beaulieu,
Plaintiff-Respondent,

-against-

Jay Realty Corporation,
Defendant-Appellant.

M-2669
Index No. 307415/11

-----X

Defendant-appellant having moved for an order staying a certain inquest pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 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 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 25, 2013.

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

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

-against-

M-2793
Ind. No. 1850/09

Arjelis Matos,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 18, 2013 (M-997) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2011; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 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 25, 2013.

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

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

-against-

M-2585

Ind. Nos. 2237/09
1369/10

Michael Banano, also known as Michael
Bonano,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 7, 2012 (M-2224), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And an order of this having been entered on March 28, 2013 (M-4558), granting defendant leave to file a pro se supplemental brief for the September 2013 Term; denying defendant's request to relieve assigned counsel and to substitute new counsel on the appeal; denying defendant permission to proceed pro se on said appeal, and adjourning the appeal to said September 2013 Term,

And defendant having moved for renewal/reconsideration of the aforesaid order of this Court entered on March 28, 2013 (M-4558),

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 relieving assigned counsel, Robert S. Dean, Esq., as counsel on defendant's appeal and granting defendant permission to proceed pro se on his appeal for the November 2013 Term, to which Term the appeal is adjourned. Defendant is advised that his appeal will not be heard until he returns the previously forwarded minutes to the Clerk's Office of this Court, and 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 25, 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-1786
Ind. No. 3819/10

Wilfredo Medina,
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 November 20, 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 25, 2013.

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

-----X
BDCM Fund Adviser, L.L.C., formerly
known as Black Diamond Capital Management,
L.L.C., Black Diamond Capital Holdings,
L.L.C., Stephen H. Deckoff,
Plaintiffs-Appellants,

-against-

James J. Zenni, Jr., et al.,
Defendants-Respondents,

-and-

M-1850
Index No. 602116/08

James J. Zenni, Jr., et al.,
Counterclaim/Plaintiffs,

-against-

BDCM Fund Adviser, L.L.C., formerly
known as Black Diamond Capital Management,
L.L.C., Black Diamond Capital Holdings,
L.L.C., Stephen H. Deckoff, SD Investments,
L.L.C. and BDCM Opportunity Fund, G.P.,
L.L.C.,
Counterclaim Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2013 and a judgment of the same Court entered on or about February 7, 2013,

And defendants-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 including the stipulation between the parties dated April 5, 2013, and due deliberation having been had thereon,

It is ordered that the motion to dismiss the appeal is deemed withdrawn, in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2013.

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

-----X
BDCM Fund Adviser, L.L.C., formerly
known as Black Diamond Capital Management,
L.L.C., Black Diamond Capital Holdings,
L.L.C., Stephen H. Deckoff,
Plaintiffs-Appellants,

M-2001
Index No. 651822/11

-against-

James J. Zenni, Jr., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 9, 2012 (mot. seq. no. 004),

And defendants-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 including the stipulation between the parties dated April 11, 2013, and due deliberation having been had thereon,

It is ordered that the motion to dismiss the appeal is deemed withdrawn, in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1380
Ind. No. 1446/07

Jamel Parker
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on February 14, 2013 (Appeal No. 9225),

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-1380A Certificate decided simultaneously herewith).

ENTER:



CLERK

Single Justice order 1380A

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 25, 2013.

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

-----X
In the Matter of the Application of
Carl Dushain,
Petitioner,

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

-against-

M-1747
Index No. 403100/11

Cyrus Vance, Jr., District Attorney
of New York County,
Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 8, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that 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 25, 2013.

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

-----X

In the Matter of the Application of Omar Macias Reyes, Petitioner-Respondent,

For a Judgment pursuant to Article 78 of the CPLR

-against-

M-2661
Index No. 400290/12

Matthew Wambua, as Commissioner of the New York City Department of Housing and Preservation and Development, and Mutual Redevelopment Houses, Inc., Respondents-Appellants.

-----X

Separate appeals having been taken by the respondents-appellants from the judgment of the Supreme Court, New York County, entered on or about August 22, 2012,

And respondent-appellant Mutual Redevelopment Houses, Inc. having moved for an enlargement of time to perfect its appeal from the aforesaid judgment,

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 both appeals to the November 2013 Term; the parties are directed to perfect the appeals upon a joint record and separate appellant's briefs and the Clerk is directed to calendar the appeals for hearing together in said November 2013 Term.

ENTER:


CLERK

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

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

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

M-1277
Ind. No. 3447/00

-against-

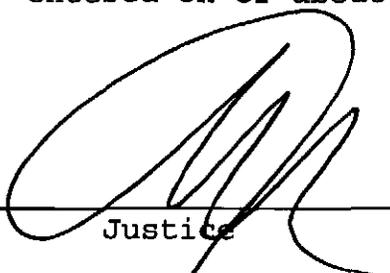
CERTIFICATE
DENYING LEAVE

Bobby Lango,

Defendant.

-----X

I, Angela M. Mazzairelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Patricia Nunez, J.), entered on or about March 22, 2012, is hereby denied.


Justice

Dated: New York, New York
May 23, 2013

Entered: JUN 25 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-2331
Ind. No. 3686/08

-against-

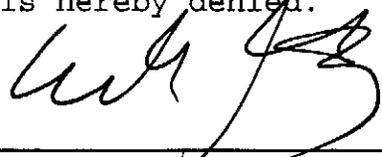
CERTIFICATE
DENYING LEAVE

Alberto de Luna

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 March 13, 2013, is hereby denied.



Hon. Karla Moskowitz
Associate Justice

Dated: *May 21*, 2013
New York, New York

ENTERED: **JUN 25 2013**

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

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

-----X
The People of the State of New York, M-1380A
Ind. No. 1446/07

-against-

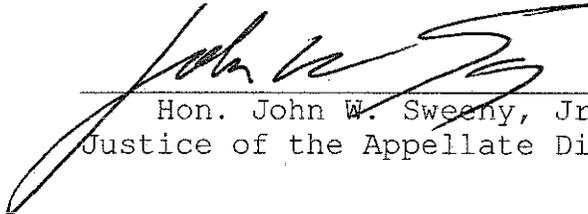
**CERTIFICATE
DENYING LEAVE**

Jamal Parker
Defendant.

-----X
I, John W. Sweeny, Jr., a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: June 14, 2013
New York, New York

ENTERED: **JUN 25 2013**



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

*Description of order:

Supreme Court, New York County, rendered on January 6, 2011,
aff'd by App. Div., 1st Dept., on February 14, 2013,
(App. No. 9225).

Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals Pursuant to CPL § 460.20 subd. 5.

PM ORDERS
ENTERED ON
JUNE 25, 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 25, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X

United States Fire Insurance
Company,
Plaintiff-Respondent-Appellant,

M-2781
Index No. 402592/10

-against-

North Shore Risk Management,
Defendant-Appellant-Respondent.

-----X

North Shore Risk Management,
Third-Party Plaintiff-Respondent-
Appellant,

Third-Party
Index No. 590273/09

-against-

Crump Insurance Services, Inc.,
Third-Party Defendant-Appellant,

Inter-Reco Inc.,
Third-Party Defendant-Appellant.

-----X

Separate appeals having been taken by respective third-party defendants, Crump Insurance Services, Inc. and Inter-Reco Inc., from the order of the Supreme Court, New York County, entered on or about April 3, 2012; and separate cross appeals having been taken by plaintiff, United States Fire Insurance Company, and by defendant/third-party plaintiff, North Shore Risk Management, from the same order of the same Court; and separate appeals having been taken by third-party defendants, Crump Insurance Services, Inc. and Inter-Reco Inc., from the order of said Court, entered on or about September 19, 2012, and a cross appeal having been taken by defendant/third-party plaintiff, North Shore Risk Management, from the same order of the same Court,

And third-party defendant, Inter-Reco Inc., having moved, upon a stipulation of the parties submitted as Exhibit B to the affirmation of Edward Guardano, Esq., submitted in support of the motion, for an enlargement of time to perfect the aforesaid appeals and cross appeals pursuant to a briefing schedule set forth in the aforesaid stipulation,

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

It is ordered that the motion is granted, on consent, to the extent of enlarging the time to perfect the appeals and cross appeals to the November 2013 Term, in accordance with and with the parties to abide by the briefing schedule set forth in the aforesaid stipulation, and set forth at paragraphs 3a - 3 of the aforesaid affirmation of Edward Guardano, Esq., submitted in support of the motion.

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,
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