

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 March 7, 2013.

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

-----X

Prospect Mortgage, LLC,  
Petitioner-Respondent,

-against-

M-5165  
Index No. 651864/11

JPMorgan Chase Bank, N.A.,  
Respondent-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 11, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated November 6, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 March 7, 2013.

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

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

Respondent,

-against-

M-311  
Ind. No. 649/12

Earl Jones,

Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 March 7, 2013.

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

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

Respondent,

-against-

M-312  
Ind. No. 2372/12

Shakeinne A. Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 5, 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.

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 March 7, 2013.

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

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

Respondent,

-against-

M-314  
Ind. No. 5618/11

William H. McDaniel,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 13, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

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

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

Respondent,

-against-

M-315  
Ind. No. 2417/12

Isma McGhee, also known as Izzy,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 3, 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 March 7, 2013.

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

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

Respondent,

-against-

M-317  
Ind. No. 3606/11

Jose Macaiba,

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 November 20, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 March 7, 2013.

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

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

Respondent,

-against-

M-318  
Ind. No. 3463/12

Michael Pondexter,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 5, 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.

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 March 7, 2013.

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

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

Respondent,

-against-

M-319  
Ind. No. 1141/12

Heriberto Rivera,

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 November 26, 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.

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 March 7, 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-320  
Ind. No. 2504/12

Christophe Rodriguez,

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 November 27, 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.



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 March 7, 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-321  
Ind. No. 5219/09

Lance L. Stewartson,

Defendant-Appellant.

-----X

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

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 March 7, 2013.

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

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

Respondent,

-against-

M-322  
Ind. No. 6397/10

Anthony Vasquez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 18, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

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

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

Respondent,

-against-

M-323  
Ind. No. 6054/10

Kevin Vaughn,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 19, 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.

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 March 7, 2013.

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

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

Respondent,

-against-

M-324  
Ind. No. 4904/09

Roxanne Williams,

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 October 11, 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.



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 March 7, 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-325  
Ind. No. 949/12

Enrique Adorno,

Defendant-Appellant.

-----X

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

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 March 7, 2013.

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

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

Respondent,

-against-

M-331  
Ind. Nos. 4536/12  
47/12

Cathleen Torres, also known as  
Courtney Torres, also known as Cat,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeals from a judgments of the Supreme Court, New York County, rendered on or about November 14, 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 appeals 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 prosecuting the appeals. The time within which appellant shall perfect the appeals is hereby enlarged until 120 days from the date of filing of the records.

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 March 7, 2013.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
David Friedman	
Karla Moskowitz	
Leland G. DeGrasse	
Helen E. Freedman,	Justices.

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

-against-

M-5984  
Ind. No. 3037/08

Marlon Bennett,  
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 November 29, 2012, 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 March 7, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

- - - - -  
Maura B., M-570  
Petitioner-Appellant, Docket Nos. V12307-07/11  
V15207/11

-against-

Giovanni P.,  
Respondent-Respondent.

- - - - -  
Ellen Sigal, Esq.,  
Attorney for the Child,  
Cecilia P.

-----X

Consolidated appeals having been taken from the orders of the Family Court, New York County, entered on or about February 7, 2012 and on or about July 19, 2012, and said appeals having been perfected,

And petitioner-appellant having moved to strike the respondent's brief and appendix or, in the alternative, to file a reply 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 adjourning the consolidated appeals to the June 2013 Term, without prejudice to petitioner raising any objections to respondent's submissions in the appellant's reply brief. Respondent directed to serve counsel for child with a copy of his brief and appendix forthwith. Petitioner directed to file one reply brief in response to respondent's brief and any brief submitted on behalf of the child pursuant to the filing deadlines for said June 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 March 7, 2013.

Present - Hon. Peter Tom,	Justice Presiding,
David B. Saxe	
Karla Moskowitz	
Sheila Abdus-Salaam	
Judith J. Gische,	Justices.

-----X

In the Matter of

Jaylin Elia G.,

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

- - - - -

Harlem Dowling-Westside Center for  
Children and Family Services, et al.,  
Petitioners-Respondents,

M-5781  
Docket No. B-3990/11

Jessica Enid G.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a Re-Settled Findings of Fact, Conclusions of Law and Order of Disposition of the Family Court, New York County, entered on or about November 7, 2012, 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, Frederic P. Schneider, Esq., Ballon Stoll Bader & Nadler, 729 Seventh Avenue, 17<sup>th</sup> Fl., New York, NY 10019, Telephone No. 212-575-7900, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,



the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (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

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Jeffrey Wilson,  
Petitioner,

For A Judgment Pursuant to Article 78 M-5938  
of the Civil Practice Law and Rules, Ind. No. 2615/08

-against-

Hon. Martin Marcus, as Justice of the  
Bronx Supreme Court, ADA Newton Mendys,  
Respondents.

-----X

Petitioner having moved for clarification of the decision and order of this Court entered on November 13, 2012 (Appeal No. 8547/M-4359),

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 November 13, 2012 (Appeal No. 8547 [M-4359]) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 8547 [M-4359], 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 March 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In re Sam Wu,  
Petitioner-Appellant,

-against-

M-5859  
Index No. 105446/10

New York City Water Board, et al.,  
Respondents-Respondent.

-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court entered on November 13, 2012 (Appeal No. 8541),

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 March 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Nancy Ullman-Schneider, et al.,  
Plaintiffs-Respondents,

-against-

M-210  
Index No. 653533/11

Lacher & Lovell-Taylor PC and  
Michael A. Lacher,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 11, 2012, 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 staying depositions only, on condition the appeal is perfected for the September 2013 Term, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
J.P. Morgan Investment Management, Inc.  
and Bear Stearns Asset Management, Inc.,  
Plaintiffs-Appellants,

-against-

Amcash Group, LLC and Sean P. Brennan,  
Defendants-Respondents.

M-406  
Index No. 651167/11

-----X

Plaintiffs-appellants having moved for a stay of discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 9, 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 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 March 7, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Hartford Underwriting Insurance Company,

Plaintiff-Respondent-Appellant,

-against-

M-359

M-460

Index No. 602069/09

Greenman-Pederson, Inc., et al.,  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken by defendants from orders of the Supreme Court, New York County, entered on or about March 9, 2012, June 26, 2012, and August 15, 2012, respectively; and cross appeals having been taken by plaintiff from orders of said Court entered on or about March 9, 2012 and August 15, 2012, respectively,

And defendants having moved for an enlargement of time to perfect their appeals (M-359),

And plaintiff having cross-moved for an enlargement of time to perfect their cross appeals (M-460),

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 granted to the extent of enlarging the time to perfect the appeals and cross appeals to the September 2013 Term. Sua sponte, defendants three appeals are consolidated and plaintiff's two cross appeals are consolidated. Respective parties are directed to perfect their appeals and cross appeals upon a joint record and single set of appellants/respondents points for said September 2013 Term. The attention of the parties is directed to 22 NYCRR § 600.11.

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 March 7, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Visual Arts Foundation, Inc.,  
Plaintiff-Appellant,

-against-

Louis A. Egnasko,  
Defendant-Respondent,

Shari Egnasko, etc., et al.,  
Defendants.

M-973  
M-1805  
Index No. 603078/08

-----X

Defendant-respondent 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 January 31, 2012 (Appeal No. 6647), and for a stay of all proceedings pending hearing and determination of this motion (M-973),

And plaintiff-appellant having cross-moved for an order awarding them costs, including reasonable attorney's fees and sanctions, and related relief (M-1805),

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 for reargument or other relief is denied in its entirety (M-973). Further, we find that the motion is frivolous and was "undertaken primarily to delay or prolong the resolution of this litigation" (Rules of the Chief Administrator, § 130-1.1[c][2]). There is simply no basis for this application. Accordingly, sua sponte, costs, attorneys fees and sanctions, pursuant to 22 NYCRR part 130, are imposed against defendant Louis A. Egnasko; sanctions are in the amount of \$1,000 to be deposited with the Clerk of the Supreme Court, New York County, who is directed to enter judgment accordingly. The cross motion is granted, and the matter is remanded to Supreme Court,

New York County for computation of the costs and fees incurred by plaintiff in connection with this motion, and for entry of judgment accordingly awarding same to plaintiff (M-1805).

ENTER:

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

---

CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

Present - Hon. Angela M. Mazzarelli,	Justice Presiding,
Dianne T. Renwick	
Rosalyn H. Richter	
Judith J. Gische	
Darcel D. Clark,	Justices.

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

Respondent,

-against-

M-5985  
Ind. No. 807/02

Melvin Gardner,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an amended order of **resentence** of the Supreme Court, New York County, entered on or about February 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL '460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
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.  
-----

Jose S.,  
Petitioner-Respondent,

M-5928  
Docket No. V-23373/09

-against-

Stella T.,  
Respondent-Appellant.  
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about December 12, 2012, 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 denied, with leave to renew should respondent-appellant seek poor person relief or upon perfection of the appeal by respondent-appellant.

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 March 7, 2013.

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

-----X

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

Natalie C.,  
Petitioner-Appellant,

**M-442**

Docket Nos. V-21425/11  
V-21892/11

-against-

Elvin I.,  
Respondent-Respondent.

Children's Law Center,  
Beth Ann Krause, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about July 27, 2012,

And an order of this Court having been entered on November 27, 2012 (M-442), granting petitioner poor person relief and assigning Steven N. Feinman, Esq., as counsel on the appeal,

And petitioner having moved for an order withdrawing the aforesaid appeal and relieving Steven N. Feinman, Esq., as counsel on 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, the appeal is deemed withdrawn, and Steven N. Feinman, Esq., is relieved as counsel on said 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 March 7, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5875  
Ind. No. 1280/11

Sean Ward,  
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 8, 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 March 7, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5917  
Ind. No. 4377/10

David Cruzado,  
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 9, 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 March 7, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-5910  
Ind. No. 2755N/11

Bernard Hurtado, also known as  
Bernardo Huertado,  
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 February 9, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 serve one copy of such brief upon the District Attorney of said county and file 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.

Defendant-appellant's time in which to perfect the appeal is hereby enlarged to the September 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 March 7, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

Respondent,  
  
-against-

**SEALED**  
**M-327**  
**M-375**  
Ind. No. 1585/09

Anonymous,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 14, 2010,

And an order of this Court having been entered on November 4, 2010 (M-4990), granting defendant poor person relief and assigning Robert S. Dean, Esq., as counsel on the appeal,

And the People having moved for permission to designate the caption of the aforesaid appeal as *People v Anonymous*, to refer to defendant as Anonymous, and to designate the Supreme Court record, the record on appeal, and all relative filings as under "seal" (M-327),

And Robert S. Dean, Esq., assigned counsel for defendant, having cross-moved to be relieved as said counsel, to withdraw the brief filed on defendant's behalf, and to have new counsel assigned to defendant (M-375),

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 People's motion is granted to the extent of designating the caption of the aforesaid appeal as *People v Anonymous*, and sealing the record on appeal, including

the minutes of the proceedings and the appellate briefs and motions (M-327). The Clerk is directed to calendar the appeal under *People v Anonymous*, and it is further

Ordered that the cross motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, withdrawing the brief filed by said counsel, 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 defendant's time in which to perfect the appeal and file a new appellant's brief is enlarged to the September 2013 Term (M-375).

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 March 7, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X

Nader & Sons, LLC and Sisko Enterprises  
LLC,

Plaintiffs-Respondents,

-against-

**M-5990**

Index No. 650046/11

Dan Shavolian, also known as Danny  
Shavolian,  
Defendant-Appellant,

Robert Flink, doing business as The Law  
Offices of Robert Flink,  
Defendants.

-----X

Appeals having been taken from an order and judgment of the Supreme Court, New York County, entered on or about December 17, 2012 and on or about December 20, 2012, respectively,

And defendant-appellant having moved to stay enforcement of the aforesaid order and judgment, pending hearing and determination of the appeals,

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

Ordered that the motion is granted to the extent of continuing the terms of the interim relief granted by the order of a Justice of this Court dated December 28, 2012, on condition defendant perfects the appeals on or before July 8, 2013 for September 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 March 7, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
Vera Zeldin, as Administratrix of the  
Estate of Slava Zeldin, deceased, and  
Vera Zeldin, Individually,  
Plaintiff-Appellant,

**M-109**  
Index No. 15196/06

-against-

W. Roy Michaelis, M.D., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 27, 2011, and said appeal having been perfected,

And defendants-respondents having moved for an order adjourning the aforesaid appeal to the March 2013 Term,

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 academic, the appeal having been perfected for the aforesaid March 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 March 7, 2013.

Present - Hon. David Friedman,	Justice Presiding,
David B. Saxe	
Leland G. DeGrasse	
Sheila Abdus-Salaam	
Paul G. Feinman,	Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-6023  
Ind. No. 1341/12

Keiyana S. Washington,  
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 August 31, 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.

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 March 7, 2013.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Brianna R.,

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

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

M-5489  
Docket No. N-4975/11

Maribel R.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Fact-Finding and Order of Disposition of the Family Court, Bronx County, entered on or about October 15, 2012 and November 9, 2012, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Ste. 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> **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:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

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

-against-

M-5864  
Ind. No. 1919/02

Lorie Heyword,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 29, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-6020  
Ind. No. 4652/10

Jayson Albertorio,  
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 January 31, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:

  
CLERK

CORRECTED ORDER - May 17, 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 March 7, 2013.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

Anthony Lindsey,  
Defendant-Appellant.

M-400  
Ind. No. 6201/08  
5968/09

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 17, 2011, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before June 8, 2013 for the September 2013 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 March 7, 2013.

Present - Hon. David Friedman,	Justice Presiding,
David B. Saxe	
Leland G. DeGrasse	
Sheila Abdus-Salaam	
Paul G. Feinman,	Justices.

-----x  
Lisa Mayer, et al.,  
Plaintiffs-Respondents,

-against-

M-139  
Index No. 603234/04

Alberto Vilar,  
Defendant-Appellant,

-and-

Gary Tanaka, et al.,  
Defendants.

-----x

Appeals having been taken to this Court by defendant Alberto Vilar from the order and supplemental judgment of the Supreme Court New York County, entered on or about April 17, 2012, and from the second supplemental judgment of said Court entered on or about October 23, 2012, respectively,

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

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the September 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 March 7, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
241 Fifth Ave. Hotel, LLC,  
Plaintiff-Appellant,

-against-

GSY Corp. and Jack Hazan,  
Defendants-Respondents.

-----X  
GSY Corp.,  
Cross-Claimant-Respondent,

M-475  
Index No. 110513/10

-against-

Beekman Conduit LLC, Nassau Beekman  
LLC, Hazak Associates LLC and Dan  
Shavolian,  
Cross-Claim Defendants-Appellants,

Beekman Partners Group, LLC,  
Beekman Development Associates LLC  
and Glenn McDermott,  
Cross-Claim Defendants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 17, 2012 (mot. seq. no. 004), and said appeal having been perfected,

And plaintiff-appellants and cross-claim defendants-appellants having moved for a stay of trial on damages 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.

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 March 7, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X

In the Matter of the Judicial Settlement  
of the Amended Interim Account from  
June 15, 2007 through May 31, 2011 of  
Ronald O. Perelman as Executor of the  
Estate of Claudia L. Cohen,  
Deceased,

**Surrogate's Court**

M-697

M-698

M-881

Samantha O. Perelman,  
Movant-Appellant.

File No. 2007/2318-A

-----X

In the Matter of the Application of  
Robert Cohen II and Justin Cohen for a  
Compulsory Accounting in the  
Estate of Claudia L. Cohen,  
Deceased,

Samantha O. Perelman,  
Movant-Appellant,

-and-

Robert Cohen II and Justin Cohen,  
Petitioners-Respondents.

-----X

Appeals having been taken from orders of the Surrogate's Court, New York County, entered on or about January 30, 2013 and January 31, 2013, respectively,

And appellant-movant Samantha O. Perelman and Executor Ronald O. Perelman and having moved, by separate motions (M-697/M-698), for a stay enforcement of the aforesaid order entered on January 30, 2012, pending hearing and determination of the appeal taken therefrom, and for related relief,

And petitioners-respondents having cross-moved to dismiss the aforesaid appeals (M-881),



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

It is ordered that the motions and cross motion are denied (M-697/M-698/M-881), and the interim relief granted by an order of a Justice of this Court dated February 5, 2013, is hereby vacated.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 7, 2013.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

Lillian Cohen,  
Plaintiff-Appellant,

-against-

M-30  
Index No. 118228/06

The City of New York,  
Defendant-Appellant.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2012 (Appeal No. 8705),

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

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

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

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

M-5269  
Ind. No. 3729/97

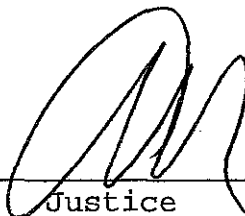
-against-

CERTIFICATE  
DENYING LEAVE

Curtis Davis,

Defendant.

-----X  
I, Angela M. Mazzarelli, 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 (Caesar Cirigliano, J.), entered on or about January 12, 2012, is hereby denied.

  
Justice

Dated: New York, New York  
February 14, 2013

ENTERED

MAR 07 2013

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-4812  
Ind. No. 4023/1989

-against-

CERTIFICATE  
DENYING LEAVE

Moises Figueroa,

Defendant.  
-----X

I, Richard T. Andrias, 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 Section 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, (Richard D. Carruthers, J.), entered January 11, 2012, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
February 15, 2013

  
Justice of the Appellate Division

ENTERED

MAR 07 2013

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-5602  
Ind. No. 5410/01

-against-

CERTIFICATE  
DENYING LEAVE

Eudy Sanchez,

Defendant.  
-----X

I, Richard T. Andrias, 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 Section 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, (Seth L. Marvin, J.), entered June 1, 2012, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
February 15, 2013

  
\_\_\_\_\_  
Justice of the Appellate Division

ENTERED

MAR 07 2013

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 164  
Ind. No. 5204/91

-against-

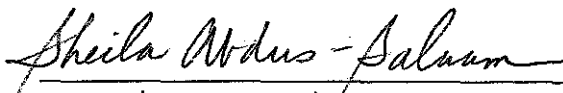
CERTIFICATE  
DENYING LEAVE

German Sorto

Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about July 13, 2012 is hereby denied.

  
Associate Justice

Dated: February 13, 2013  
New York, New York

ENTERED: **MAR 07 2013**

PM ORDERS

ENTERED ON

MARCH 7, 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 March 7, 2013.

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

-----x  
Jean M. Buchanan,

Plaintiff-Respondent,

-against-

521 Eighth Avenue, LLC, et al.,

Defendants-Appellants.  
-----x

M-665  
Index No. 105057/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 9, 2012, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 March 7, 2013.

Present - Hon. John W. Sweeny, Jr.,                      Justice Presiding,  
   Rolando T. Acosta  
   Nelson S. Román  
   Paul G. Feinman  
   Darcel D. Clark,                      Justices.

-----x  
Nomura Asset Capital Corporation,  
et al.,  
                         Plaintiffs-Respondents,

-against-

Cadwalader Wickersham & Taft, LLP,  
                         Defendant-Appellant.

M-809  
Index No. 116147/06

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 13, 2012 (mot. seq. no. 005), and said appeal having been perfected,

And plaintiffs-respondents having moved for an order striking certain portions of the main brief and reply 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.

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 March 7, 2013.

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

-----x  
Bruno Maschi, as Administrator of the  
Estate of Anthony Maschi, Deceased,  
Plaintiff-Appellant,

-against-

M-6009

Index No. 102996/09

The City of New York,  
Defendants-Respondents/Respondents,

Malik Armstead and Kim Armstead,  
Defendants-Respondents/Appellants.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 20, 2012, and the appeal by plaintiff having been perfected, briefed and calendared (Cal No. 2241),

And defendants-respondents/appellants having moved for an enlargement of time to perfect their 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 enlarging the time for defendants-respondents/appellants to perfect their appeal to on or before March 18, 2013 for the June 2013 Term, to which Term the perfected appeal by plaintiff-appellants is adjourned. The Clerk is directed to calendar the appeals for hearing together in said June 2013 Term.

ENTER:

  
CLERK