

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 May 9, 2013.

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

-----X

Valley Dental Arts, Inc.,

Plaintiff-Respondent,

-against-

M-1613X  
Index No. 652403/11

Dr. Thomas Connelly,

Defendant-Appellant.

-----X

An appeal having been taken from an order and judgment of the Supreme Court, New York County, entered on or about September 7, 2012 and October 24, 2012, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 9, 2013.

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

-----X  
Geraldine P. Sullivan,  
Plaintiff-Respondent,

-against-

M-1725X  
Index No. 310424/09

S.M.E. Holding Corp.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 7, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 20, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 9, 2013.

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

-----X  
Tiffany Lloyd,  
Plaintiff-Respondent,

-against-

M-1726X  
Index No. 103320/09

Marrano Development Affiliates,  
L.P., and Broadwall Management  
Corporation,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 9, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 20, 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 May 9, 2013.

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

-----X

Resmac 2 LLC,  
Plaintiff-Appellant,

-against-

M-1758X  
Index No. 652063/12

Backenroth, Frankel & Krinsky,  
LLP, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 12, 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 May 9, 2013.

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

-----X  
Arabesque Recordings, LLC  
Plaintiff-Appellant,

-against-

M-1760X  
Index No. 650277/06

Capacity LLC,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 2, 2012 (mot. seq. no. 012),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 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 May 9, 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 Custody and Guardianship of

"No Given Name" L.,  
also known as Nayel L.,

A Minor Under the Age of 18 Years  
Pursuant to Section 384-b of  
Social Services Law of the  
State of New York

M-1661  
Docket No. B-03756/11

- - - - -  
Shirim Nothenberg,  
Lawyers for Children, Inc.,  
Attorney for the Child.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about June 15, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated March 21, 2013, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

-----X  
Kreindler & Kreindler LLP,  
Plaintiff-Respondent,

-against-

M-1788  
Index No. 652617/11

Charles River Consultants, Inc.,  
Defendant-Appellant,

Josh Wurzburger,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 14, 2012

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

-----x

Thueston Anthony, et al.,

Plaintiffs-Appellants,

-against-

M-1696

Index No. 300135/10

Jesus M. Santiago, 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 11, 2012, as untimely taken,

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

It is ordered that the motions is denied, without prejudice to addressing issue directly on appeal.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 9, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Mario Dell'anno,  
Plaintiff-Respondent,

-against-

Peter Molinari,  
Defendant-Appellant,

VWM Technology, LLS,  
Defendant.

**M-1885**  
Index No. 102916/12

-----X

An appeal having been taken from orders of the Supreme Court, New York County, both entered on or about December 6, 2012,

And defendant-appellant, pro se, having moved to stay a certain public auction, pending hearing and determination of 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.

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 May 9, 2013.

Present : Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
David B. Saxe  
Rosalyn H. Richter, Justices.

-----X

80 Varick Street Group, L.P.,

Plaintiff-Respondent,

-against-

**M-188**

Index No. 108635/09

Donald MacPherson,

Defendant-Appellant.

-----X

Defendant-appellant 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 January 3, 2013 (Appeal No. 8929),

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 May 9, 2013.

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

-----x  
Cactus 4, LLC, et al.,  
Plaintiffs-Respondents,

-against-

Maya Swisa, et al.,  
Defendants-Appellants,

M-1070  
Index No. 111093/09

Allison Margetson, et al.,  
Defendants.

- - - - -  
[And a third-party action]

-----x  
Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 18, 2012 (mot. seq. nos. 005, 006),

Now, upon reading and filing the papers with respect to the motion including the correspondence from O'Conner Redd LLP dated March 15, 2013 and the stipulation of the parties dated March 19, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

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

-against-

Francisco Santos,  
Defendant-Appellant.

M-1157  
Ind. No. 1920/09  
Case No. 31212C/09

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 18, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files ten reproduced copies of such brief, together with the original record, with 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 May 9, 2013.

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

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

Respondent,

-against-

M-1159  
Ind. No. 1933/11

Edward Staton,

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 August 1, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value, and an explanation why similar funds are not available to prosecute this appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

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

-against- **M-1168**  
Ind. No. 2271/01

Kent Edwards,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Goldberg, J.) entered on or about February 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 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 Goldberg 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 May 9, 2013.

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

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

-against-

M-1170  
SCID. No. 30151/12

Antonio Lopez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Fitzgerald, J.) entered on or about February 22, 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 Fitzgerald 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 May 9, 2013.

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

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

-against-

M-1250  
Ind. No. 1311/11

Enemud Chukwudkie,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2013 (M-5539) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2011, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

-----X  
Andrew Justin,  
Plaintiff-Respondent,

-against-

M-1256  
Index No. 311142/08

Tricia Justin,  
Defendant-Appellant.  
-----X

Defendant-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 April 3, 2012 (mot. seq. no. 11),

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 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 May 9, 2013.

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

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

Respondent,  
-against-

**M-4189**  
Ind. No. 5263/92

Rasheed Rice,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on January 16, 1996 (Appeal No. 56550), unanimously affirming the judgment of the Supreme Court, New York County (John Stackhouse, J.), rendered on December 9, 1993,

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 May 9, 2013.

Present - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Nelson S. Román  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Jacob Ginsburg,  
Plaintiff-Appellant,

-against-

M-1533  
Index No. 600630/08

Douglas Dussel Pritchard, also  
known as Douglas D. Pritchard,  
also known as Douglas P. Pritchard,  
et al.,  
Respondents-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals from orders of the Supreme Court, New York County, entered on or about December 2, 2009 (mot. seq. no. 004) and on or about June 7, 2011 (mot. seq. no. 005), respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the October 2013 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-1110  
Ind. No. 1252/08

Ronald Perry,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Gregory Carro, J.) entered on or about January 23, 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 Carro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 May 9, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, . Justices.

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

-against-

M-1122  
Ind. No. 4220/10

Titus Halteman also known as  
Titus Halterman,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Arlene Goldberg, J.) entered on or about February 7, 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 Goldberg as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 May 9, 2013.

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

-----X  
Acadia Woods Partners, LLC,  
Plaintiff-Respondent,

-against-

**M-855**

Index No. 651440/10

Signal Lake Fund LP, et al.,  
Defendants-Appellants.

Dakota Partners, LLC, et al.,  
Intervenors.

-----X

Defendants-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 January 17, 2013 (Appeal Nos. 9029-9029A),

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 May 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Epstein Engineering P.C.,  
Plaintiff-Respondent,

-against-

Thomas Cataldo, et al.,  
Defendants-Appellants,

Steven Gregorio,  
Defendant.

-----X

M-525  
M-524

Index No. 603146/08

Defendants-appellants having moved by separate motions for reargument of (M-525) or, in the alternative, for leave to appeal to the Court of Appeals (M-524) from the order and accompanying decision of this Court entered on December 20, 2012 [M-2931] (Appeal Nos. 7716N, 7717N and 7718N),

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

It is ordered that the motions are denied (M-525/M-524).

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 May 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Michaell Kennis,  
Plaintiff-Appellant,

-against-

M-883  
Index No. 113467/10

Steven J. Meleco,  
Defendant-Respondent.

-----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 January 23, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 May 9, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

In the Matter of

Myasia C.,

A Person Alleged to be a Juvenile  
Delinquent,

M-1044  
Docket No. D-06691/12

Appellant.

-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about May 23, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 May 9, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Andrique Baron,

Defendant-Appellant.

M-1073  
Ind. Nos. 3221/07  
4743/08

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2009,

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 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 May 9, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
HDI-Gerling America Insurance Company,  
et al.,  
Plaintiffs-Respondents,

-against-

M-916  
Index No. 102922/11

Zurich American Insurance Co., et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants 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 January 30, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Charles Weiner and Nancy Ohrenstein,

Plaintiffs-Respondents,

-against-

Pazer Epstein & Jaffee, P.C.,

Defendant-Appellant.  
-----X

**M-579**

**M-882**

Index No. 570995/11

Defendant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about September 26, 2012 (M-579),

And plaintiffs-respondents having cross-moved for costs to be imposed upon defendant-appellant (M-882),

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 (M-579/M-882).

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 May 9, 2013.

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

-----X  
Joseph Pipia and Barbara Pipia,  
Plaintiffs-Appellants-Respondents,

-against-

**M-1399**

**M-1797**

Turner Construction Company, et al.,  
Defendants-Respondents-Appellants,

Index No. 105381/08

J.E.S. Plumbing & Heating Corp.,  
Defendant-Respondent-Appellant.

-----X

Appeals having been taken by plaintiffs from orders of the Supreme Court, New York County, entered on or about June 18, 2012 and an order of the same Court entered on or about June 20, 2012, respectively; and defendants-respondents Turner Construction Company, et al., having taken a cross appeal from the order of the Supreme Court, New York County, entered on or about June 18, 2012; and defendant-respondent J.E.S. Plumbing and Heating Corp. having taken appeals from orders of the Supreme Court, New York County, entered on or about June 18, 2012 and on or about June 20, 2012,

And plaintiffs having moved for an order enlarging the time to perfect its appeals and the cross appeal taken by the Turner Construction Company defendants-respondents (M-1399),

And defendant-respondent J.E.S. Plumbing and Heating Corp. having moved for an order enlarging the time to perfect its appeals (M-1797),

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, sua sponte, consolidating the aforesaid appeals and designating plaintiffs as direct appellants on said consolidated appeals and enlarging the time to perfect the consolidated appeals and cross appeal to the October 2013 Term (M-1399/M-1797).

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 May 9, 2013.

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

-----x  
1400 Broadway Associates LLC,

Plaintiff-Respondent,

-against-

112-1400 Trade Properties, LLC,

Defendant-Appellant.  
-----x

M-1601  
Index No. 100847/09

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about June 19, 2012, and from a judgment of the same Court and Justice, entered on or about July 31, 2012, and said appeals having been perfected,

And defendant-appellant having moved for, inter alia, leave to file an additional brief and record on appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

-----X  
Tabitha Irving,  
Plaintiff-Respondent,

-against-

M-1580  
Index No. 4899/10

Marlon Irving,  
Defendant-Appellant.

-----X

An appeal having been taken from the orders of the Supreme Court, Bronx County, dated November 9, 2012,

And defendant-appellant having moved for an enlargement of time in which to perfect the appeal, and for continuation of the stay granted by the order of this Court entered on February 5, 2013 (M-5308),

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, the stay granted by order of this Court entered on February 5, 2013 (M-5308) is continued on the same terms and conditions and on further condition that the appeal is perfected on or before August 5, 2013 for said 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 May 9, 2013.

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

-----X

The People of the State of New York  
ex rel. Gregory Ferguson,  
Petitioner,

-against-

**M-1648**

Ind. No. 2061/11

Dora Schriro, Commissioner, NYC  
Department of Corrections, et al.,  
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at G.M.D.C., 15-15 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

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 May 9, 2013.

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

-----X

Jose Rodriguez and Gladys Rodriguez,  
Plaintiffs-Appellants,

-against-

Weinstein Enterprises, Inc.,  
Defendant-Respondent.

-----X

**M-1822**

**M-1919**

Index No. 303180/09

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 18, 2012,

And plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid appeal (M-1822),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-1919),

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 motion for an enlargement of time to perfect the appeal is granted to the extent of enlarging the time to perfect the appeal to the September 2013 Term (M-1822) and the cross motion to dismiss the appeal is accordingly granted unless the appeal is perfected for said September 2013 Term (M-1919). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendant-respondent serves a copy of this order upon the plaintiffs-appellants within 10 days after the date of entry hereof.

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 May 9, 2013.

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

-----x

The People of the State of New York,

Respondent,

-against-

M-1917

Ind. No. 1003/11

Bryan Leach,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 29, 2012, and for a continuation of execution of said order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term. The stay of execution of sentence and bail granted by the order of the Supreme Court, New York County, on or about November 29, 2012, is continued, upon the same terms and conditions, and upon condition the appeal is perfected for said 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 in the County of New York on May 9, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X

Mhill Gjuraj, Individually and as  
Shareholder of Uplift Elevator  
Corp., suing in the right of Uplift  
Elevator Corp.,  
Plaintiff-Respondent,

**M-1915**  
Index No. 302122/08

-against-

Uplift Elevator Corp., Ivica Lubina  
and Paul Caldararo,  
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about March 26, 2013,

And defendants-appellants having moved to stay execution of the aforesaid judgment 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 only with respect to defendant, Paul Caldararo, and otherwise denied, without prejudice to the remaining defendants proceeding pursuant to CPLR 5519 (a)(2). The interim relief granted by order of a Justice of this Court, dated April 3, 2013, is vacated to the extent inconsistency 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 May 9, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
Raymond A. Martini,  
Petitioner-Appellant,

For the Appointment of a Guardian of M-2034  
the Person and Property of Index No. 260900/12

Raymond A. Martini,  
An Alleged Incapacitated Person.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about February 25, 2013,

And an order of this Court having been entered on April 16, 2013 (M-1322), denying petitioner-appellant's motion for a stay of eviction and leave to prosecute the appeal as a poor person,

And petitioner having moved for a stay of eviction pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 9, 2013.

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

-----x  
Old Republic Construction Insurance  
Agency of New York, Inc.,  
Plaintiff-Respondent,

M-1457  
M-1882  
Index No. 601168/10

-against-

Fairmont Insurance Brokers, Ltd.,  
Defendant-Appellant.

- - - - -  
Fairmont Insurance Brokers, Ltd.,  
Third-Party Plaintiff-Appellant,

Index No. 590736/12

-against-

Liberty Architectural Products Co.,  
Inc., et al.,  
Third-Party Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 6, 2012, and said appeal having been perfected,

And defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about January 28, 2013, and the order and judgment of said Court entered on or about February 14, 2013, pending hearing and determination of the aforesaid appeal (M-1457),

And plaintiff-respondent having cross-moved for dismissal of the aforesaid appeal (M-1882),

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 (M-1457) is granted, and the cross motion (M-1882) to dismiss the appeal 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 May 9, 2013.

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

-----X  
Bonnie Watkins and Sam Watkins,

Plaintiffs-Respondents,

-against-

**M-1823**

Index No. 150201/08

1009 5<sup>th</sup> Avenue, LLC,

Defendant-Appellant,

City of New York,

Defendant-Respondent.  
-----X

Defendants-appellants 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 August 24, 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 May 9, 2013.

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

-----x

60 E. 9<sup>th</sup> St. Owners Corp.,

Plaintiff-Respondent,

-against-

M-2111  
Index No. 104135/08

Albert N. Zihenni,

Defendant-Appellant.

-----x

Defendant-appellant having moved for a stay of a certain inquest on attorneys' fees pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about September 28, 2012 (mot. seq. no. 006),

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

It is ordered that the motion is 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 May 9, 2013.

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

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

Zion Hia,  
Petitioner-Appellant,

For a Judgment Pursuant to Article  
78 of the CPLR

M-1569  
Index No. 114065/11

-against-

The New York City Department of  
Correction, et al.,  
Respondents-Respondents.

-----X

Petitioner-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 May 8, 2012 (mot. seq. no. 001),

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 September 2013 Term.

ENTER:

  
CLERK