

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 21, 2013.

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

-----X
Helen Nathanson,

Plaintiff-Respondent,

-against-

The TJX Companies, Inc.,

Defendant-Appellant.
-----X

M-2017X
Index No. 103328/12

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 19, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 21, 2013.

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

-----X

Elinor R. Tatum,

Plaintiff-Respondent,

-against-

Curtis R. Simmons,

Defendant-Appellant.

-----X

M-1978X
Index No. 312689/12

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 19, 2013 (mot. seq. nos. 001 and 002) and on or about February 7, 2013 (mot. seq. no. 003), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 4, 2013, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X

Ivy Lee and Paul Sheng,

Plaintiff-Respondent,

-against-

M-2021X

Index No. 602466/09

James K. Tse, Matilda Tse and
David Tse,

Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 2, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 4, 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 21, 2013.

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

-----X

Kevin DeForest,

Plaintiff-Respondent,

-against-

330 Madison Company LLC, et al.,

Defendants-Appellants.

-----X

M-1913

Index No. 108122/09

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 22, 2012 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed April 3, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 21, 2013.

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

-----X
Fiore D. Recio,
Plaintiff-Respondent,

-against-

M-1911
Index No. 304044/10

Quilvio Veras,
Defendant-Appellant,

Carolyn Dorsey and Elizabeth Wilson,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 5, 2012,

Now, upon reading and filing the stipulation of the parties hereto, filed April 2, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
S. Timothy Ball,
Plaintiff-Respondent,

-against-

Richard L. Brodsky, Esq.,
Defendant-Respondent,

M-1491
Index No. 101535/12

-and-

Law Offices of Peter Wessel, PLLC,
and Peter Wessel, Esq.,
Defendants-Appellants,

-and-

Gary B. Pillersdorf and Associates
P.C., and Gary Pillersdorf, Esq.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2013 (mot. seq. no. 003),

And defendants-respondents having moved for the dismissal of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and the correspondence from counsel for defendants-appellants, filed March 19, 2013, and the correspondence from counsel for defendant-respondent Richard L. Brodsky, Esq., filed April 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid correspondence from the respective parties.

ENTER:


CLERK

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

ENTER:


CLERK

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 21, 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-1641
Ind. No. 2470/12

Lyxon Chery,

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 19, 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

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

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

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 21, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1440
Ind. No. 5276/03

Latee Robinson,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 27, 2008 (Appeal No. 3730), unanimously affirming the judgment of the Supreme Court, Bronx County (Berkman, J.), rendered March 3, 2006,

And defendant having moved for poor person relief and assignment of counsel to prepare on defendant's behalf an application for a writ of error coram nobis, for review of his claim of ineffective assistance of appellate counsel,

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 21, 2013.

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

-----X
Wilson Quiles and Rebecca Murphy Quiles,
Plaintiffs-Respondents,

-against-

M-383

Index No. 13767/05

Doris Lyons, Inc.,
Defendant-Appellant,

Ralph Iacontini,
Defendant.

-----X

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

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

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

Ordered that the motion is denied. The interim relief granted by an order of a Justice of this Court dated January 26, 2012 is vacated, without prejudice to further proceedings in Supreme Court. (See M-3592, entered May 14, 2013.)

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 21, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Judith J. Gische, Justices.

-----X

In re Robert T. Giaimo, etc.,
for the Judicial Dissolution
of EGA Associates, Inc.,
Petitioner-Respondent-Appellant,

M-373
Index No. 110474/07

-against-

Janet Giaimo Vitale,
Respondent-Appellant-Respondent.

- - - - -

In re Robert T. Giaimo, etc.,
for the Judicial Dissolution
of EGA Associates, Inc.,
Petitioner-Respondent-Appellant,

Index No. 110445/07

-against-

Janet Giaimo Vitale,
Respondent-Appellant-Respondent.

-----X

Petitioner-respondent-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 December 20, 2012 (Appeal Nos. 8480, 8481 and 8482),

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 21, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Rolando T. Acosta
David B. Saxe, Justices.

-----X

Alistine Thompson,
Plaintiff-Respondent,

M-1238
Index No. 303131/08

-against-

Morningside House Nursing Home
Company, Inc., et al.,
Defendants-Appellants,

Aging in America, Inc., et al.,
Defendants.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about June 17, 2011,

And an order of this Court having been entered on February 5, 2013 dismissing the aforesaid appeal (M-5810),

And defendants-appellants having moved to reargue the aforesaid order of this Court entered on February 5, 2013 (M-5810),

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 21, 2013.

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

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

Gregory J., Docket Nos. V29960/09
Petitioner-Respondent, V30016/09
V31418/09
-against-

Marissa W.,
Administration for Children's Services,
Respondents-Appellants.

-----X

Respondent-appellant mother, Marissa W., pro se, having moved for leave to prosecute, as a poor person, the appeal from a Final Order of Custody of the Family Court, Bronx County, entered on or about January 28, 2013, 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 upon submission of a notarized affidavit in compliance with CPLR 1101(a) and which addresses appellant's representation by counsel in the Family Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X

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

- - - - -

Chanize L. B.,
Petitioner-Appellant,

M-2262
Docket Nos. F-05957-07/10G-12J

-against-

Lamont K. B.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 20, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, New York 11432, Telephone No. (917) 378-0176, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 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-1211
Ind. No. 447/09

Geraldo Garay,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 28, 2011 (M-2309), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 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 21, 2013.

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

-----X
Barrett Japaning, Inc.,
Petitioner-Landlord-Respondent/
Appellant,

-against-

M-329
Index No. 570670/09

Anna Bialobroda,
Respondent-Tenant-Appellant/
Respondent,

-and-

"John Doe" and "Jane Doe,"
Respondents-Undertenants.

-----X

Petitioner-landlord-respondent/appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about August 16, 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 21, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman, Justices.

-----X

Naomi Davies,

Petitioner-Respondent,

-against-

M-2073
Index No. 100349/11

New York City Department of Education,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 3, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
The People of the State of New York
ex rel. Echo W. Dixon,
Petitioner,

-against-

M-1752

The State of New York, et al.,
Respondents.
-----X

The above-named petitioner having moved purported to apply 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 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 21, 2013.

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

-----X

Miriam Aristy-Farer, et al.,
Plaintiffs-Respondents,

-against-

M-2317

Index No. 100274/13

The State of New York, et al,
Defendants-Appellants,

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

-----X

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

And plaintiffs-respondents having moved for clarification as to whether a stay pursuant to CPLR 5519(a) (i) is effective with respect to the order appealed, for vacatur of said stay if effective, and for related relief, 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 21, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische, Justices.

-----X
MH Residential 1, LLC,
Petitioner-Respondent,

-against-

M-1063
Index No. 570081/08

John Barrett, et al.,
Respondents-Appellants,

"John Doe," et al.,
Respondents.

-----X

Respondents-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 24, 2013 (Appeal No. 9055),

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 21, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
IDT Corp., et al.,
Plaintiffs-Appellants,

-against-

M-630
Index No. 652097/10

Tyco Group, S.A.R.L., et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2012 (Appeal No. 7481),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent they seek leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 21, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Darcel D. Clark, Justices.

-----X

Ernest Milchman, et al.,
Plaintiffs-Respondent,

-against-

M-1203
M-1809
Index No. 20431/00

Steven Lipkin,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 11, 2012 (M-3248/M-3446), inter alia, denying defendant-appellant's motion (M-3248) for reargument and/or reconsideration of the decision and order of this Court entered on June 12, 2012 [Appeal No. 7932],

And an order of this Court having been entered on January 31, 2013 (M-4746), denying defendant-appellant's motion for leave to appeal to the Court of Appeals from the aforesaid order entered September 11, 2012 (M-3248/M-3446),

And defendant-appellant having moved for reargument/ renewal/ reconsideration or leave to appeal to the Court of Appeals from the order of this Court entered on January 13, 2013 (M-4746) [M-1203],

And plaintiffs-respondents having cross-moved for certain costs and sanctions against defendant and his counsel [M-1809],

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

It is ordered that the motion is [M-1203] is denied. The cross motion [M-1809] is granted and, pursuant to 22 NYCRR Part 130, sanctions are imposed against defendant and his attorney in

the amount of \$5,000 each, to be deposited with the Clerk and with Lawyers' Fund for Client Protection, respectively (22 NYCRR 130-1.3), and attorneys' fees in the amount of \$10,000 are awarded to plaintiffs' counsel payable by defendant and his attorney in the amount of \$5,000 each. The Clerk of the Supreme Court, New York County is directed to enter judgment accordingly.

The cross motion for sanctions pursuant to 22 NYCRR Part 130 [M-1809] is granted based on the findings of this Court that defendant and his attorney, previously admitted to practice in this state, engaged in frivolous conduct within the meaning of 22 NYCRR 130-1.1 primarily for the purposes of delaying resolution of this matter. Defendant moved for leave to appeal to the Court of Appeals after we denied his motion for reargument of his unsuccessful appeal. Defendant then moved for reargument of his leave motion or, in the alternative, again for leave to appeal to the Court of Appeals. Accordingly, we award plaintiffs' counsel attorneys' fees of \$10,000 and also impose sanctions of \$5,000 each on defendant and his attorney (see 22 NYCRR 130-1.1[a]; 22 NYCRR 130-1.2), to be deposited as indicated.

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 21, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

Respondent,

-against-

Herbert Henriques, also known as
Herbert Henriquez,

Defendant-Appellant.
-----X

M-1353

Ind. No. 4485/08
SCI No. 2822/10

Steven Banks, Esq., assigned counsel for defendant-appellant, having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 3, 2010, by reason of defendant's deportation,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
In the Matter of Family Proceedings
Under Article 6 and Article 8 of the
Family Court Act.

Gina C., M-1092
Petitioner-Respondent, Docket No. O-28812/07

-against-

Michael C.,
Respondent-Appellant.

Elisa Barnes, Esq.,
Attorney for the Child.

-----X
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about October 30, 2009,

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

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
Benjamin Gattegno,
Plaintiff-Appellant,

-against-

M-1232
Index No. 400268/11

The Trustees of Columbia University
in the City of New York, doing
business as Columbia University,
Defendant-Respondent,

Baya Inc.,
Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 21, 2012 (mot. seq. no. 003),

And defendant-respondent having moved for dismissal of the aforesaid appeal,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
The People of the State of New York
ex rel. Ernest Covington,

Petitioner-Appellant,

M-1367

Index No. 402024/12

-against-

Edmund Duffy, Warden, G.R.V.C.,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the purported appeal from the judgment of the Supreme Court, New York County, entered on or about October 11, 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.

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 21, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1360

Ind. No. 4395/01

Sean Salley,
Defendant-Appellant.

-----X

(And another action)

A decision and order of this Court having been entered on January 24, 2006 (Appeal Nos. 7647 and 7649), unanimously affirming the judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on July 29, 2002,

And defendant-appellant having moved for poor person relief and the assignment of counsel to prepare on defendant's behalf an application for a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel,

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

It is ordered that said 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 21, 2013.

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

-----X

Moshe Friedman,
Petitioner-Appellant,

-against-

M-1888
Index No. 101012/12

New York State Department of Human Rights
et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 13, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for other relief,

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

It is ordered that said motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 May 21, 2013.

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

-----x

Victor Barocas,
Plaintiff-Appellant,

-against-

M-2314
Index No. 314374/10

Deborah Barocas,
Defendant-Respondent,

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 17, 2012, and said appeal having been perfected,

And defendant-respondent having moved for leave to strike portions of the brief for the children,

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

It is ordered that the motion is denied, without prejudice to raising objections upon argument of the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
409-411 Sixth Street, LLC,

Petitioner-Respondent,

-against-

M-5166
Index No. 570068/09

Masako Mogi,

Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order entered on October 2, 2012 (Appeal No. 6434),

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, to the extent it seeks reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Appellate Term of the Supreme Court, First Department, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 21, 2013.

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

-----x
Wells Fargo Bank, Minnesota, N.A., as
Trustee in Trust for Registered
Holders of Franklin Mortgage Loan
Trust 2003, etc.,
Plaintiff,

M-1831
Index No. 28310/03

-against-

Donna Gale,
Defendant.

Richard Gordon,
Non-Party Movant.

-----x
Non-party movant, Richard Gordon, having moved for, inter alia, a stay of eviction and for leave to appeal from the declination by a Justice of the Supreme Court, Bronx County, to sign an order to show cause vacating a judgment of foreclosure and sale dated March 27, 2013, and for other relief,

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

It is ordered that the motion is denied, and the interim relief granted by order of a Justice of this Court dated March 28, 2013, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
Tony Rinkiewicz,
Plaintiff-Respondent,

-against-

M-1620
Index No. 302742/10

The Dugout, Inc., The Dugout,
Harold Terry,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx 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 without prejudice to defendants posting an undertaking to obtain a stay pursuant to CPLR 5519(a).

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 21, 2013.

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

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

-against-

M-1346
Ind. No. 1596/10

Ramon O. Lopez-Rodriguez,
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, Bronx County, rendered on or about April 12, 2012, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-1264
Ind. No. 4688/99

Burton Maskow,
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 (Nuñez, J.), entered on or about February 5, 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 Nuñez as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, 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 21, 2013.

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

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

-against-

M-1475

Ind. No. 30178/12

Michael Corn,
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 March 6, 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 21, 2013.

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

-----X

In the Matter of

Serenity A.,

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

M-1388
Docket No. B-16991/09

Administration for Children's Services, et al.,
Petitioners-Respondents,

Katrina A.,
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 an order of the Family Court, New York County, entered on or about February 19, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Crystal Biton, also known as Crytal
Biton, also known as Saphyre Redford,

Petitioner-Appellant,

M-1444

Index No. 102053/12

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

-against-

Commission on Judicial Conduct of the
State of New York,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about March 1, 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 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 21, 2013.

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

-----X
In Re: New York City Asbestos Litigation
-----X

George W. Hische, et al.,
Plaintiffs-Respondents,

-against-

M-1837
Index No. 190125/11

Air & Liquid Systems Corporation,
etc., et al.,
Defendants,

Crane Co.,
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 23, 2012 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Cristin Alvarez, etc.,
Plaintiff-Appellant,

-against-

M-830
Index No. 22046/06

New York City Health and Hospitals
Corporation (North Central Bronx
Hospital),
Defendant-Respondent.

-----X

Defendant-respondent 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 December 11, 2012 (Appeal No. 8768),

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 21, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Walter Pfeifer,
Petitioner,

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

M-2173
Index No. 20816/82

-against-

Robert J. McGuire, Police Commissioner
of the City of New York,
Respondent.

-----X

A decision and order of this Court having been entered on November 8, 1984 (Appeal No. 21200) confirming a determination of respondent, dated June 11, 1982, inter alia, dismissing petitioner from the Police Department of the City of New York,

And petitioner having moved for leave to renew the aforesaid decision and order of this Court entered on November 8, 1984, and direct respondent to comply with a certain "FOIL" request dated November 29, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

-against-

M-5956
Ind. No. 1304/09

David Snipes,
Defendant-Respondent.

-----x

A decision and order of this Court having been entered on December 11, 2012 (Appeal Nos. 8779-8780), unanimously reversing the judgment of **resentence** of the Supreme Court, New York County (Ruth Pickholz, J.), entered on August 1, 2011,

And the People having moved for leave to amend the decision and order of this Court entered on December 11, 2012 (Appeal Nos. 8779-8780),

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 for leave to amend the decision and order of this Court entered December 11, 2012 is deemed one for reargument and, as such, granted and, upon reargument, the decision and order of this Court entered on December 11, 2012 (Appeal Nos. 8779-8780) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 8779-8780, 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 May 21, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
David B. Saxe, Justices.

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

-against-

M-456
Ind. No. 4854/03

Steven Mears,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 23, 2008 (Appeal No. 4384), unanimously affirming a judgment of the Supreme Court, New York County (Joan C. Sudolnik, J.), rendered on August 22, 2005,

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 21, 2013.

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

-----x
In the Matter of the Application of
Elizabeth A. Mason, an attorney and
counselor-at-law regarding the
Stipulated Settlement of Anonymous
v High School for Environmental M-2070
Studies, Inc., M-2106
Petitioner/Respondent-Appellant, Index No. 115352/03

-against-

City of New York, et al.,
Respondents-Respondents.
-----x

Petitioner/respondent-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 27, 2012 (M-2070),

And respondent, Michael D. Strohbehn, Esq., having cross-moved for dismissal of the aforesaid appeal and for the imposition of costs with respect to the filing of this motion (M-2106),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term (M-2070). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said October 2013 Term (M-2106), and otherwise denied. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon appellant 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 21, 2013.

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

-----X
New York Statewide Coalition of
Hispanic Chambers of Commerce, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Articles 78
and 30 of the Civil Practice Law and
Rules,

-against-

M-2343
Index No. 653584/12

New York City Department of Health
and Mental Mental Hygiene, et al.,
Respondents-Appellants.

- - - - -
The New York State Conference of the
National Association for the
Advancement of Colored People, et al.,
Amici Curiae.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 11, 2013, and said appeal having been perfected,

And the New York State Conference of the National Association for the Advancement of Colored People, et al. having moved for leave to file a brief as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the copies of the amici curiae brief submitted with the moving papers herein are deemed filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 21, 2013.

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

-----X
New York Statewide Coalition of
Hispanic Chambers of Commerce, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Articles 78
and 30 of the CPLR,

-against-

M-2349
Index No. 653584/12

New York City Department of Health
and Mental Mental Hygiene, et al.,
Respondents-Appellants.

- - - - -
The Street Vendor Project,
Amicus Curiae.

-----X
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 11, 2013, and said appeal having been perfected,

And the Street Vendor Project having moved for leave to file a brief as amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file nine copies of the brief as amicus curiae forthwith.

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 21, 2013.

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

-----X
New York Statewide Coalition of
Hispanic Chambers of Commerce, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Articles 78
and 30 of the CPLR,

-against-

M-2326
Index No. 653584/12

New York City Department of Health
and Mental Mental Hygiene, et al.,
Respondents-Appellants.

- - - - -
The Business Council of New York State,
Inc., et al.,
Amici Curiae.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 11, 2013, and said appeal having been perfected,

And the Business Council of New York State, Inc., et al. having moved for leave to file a brief as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file nine copies of the brief as amici curiae forthwith.

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 21, 2013.

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

-----X
New York Statewide Coalition of
Hispanic Chambers of Commerce, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Articles 78
and 30 of the CPLR,

-against-

M-2340
Index No. 653584/12

New York City Department of Health
and Mental Mental Hygiene, et al.,
Respondents-Appellants.

The Chamber of Commerce of the
United States of America, et al.,
Amici Curiae.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 11, 2013, and said appeal having been perfected,

And the Chamber of Commerce of the United States of America, et al. having moved for leave to file a brief as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file nine copies of the brief as amici curiae forthwith.

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 21, 2013.

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

-----X
New York Statewide Coalition of
Hispanic Chambers of Commerce, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Articles 78
and 30 of the CPLR,

-against-

M-2345
Index No. 653584/12

New York City Department of Health
and Mental Mental Hygiene, et al.,
Respondents-Appellants.

- - - - -
New York City Council Members Maria del
Carmen Arroyo, et al.,
Amici Curiae.

-----X
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 11, 2013, and said appeal having been perfected,

And New York City Council Members Maria del Carmen Arroyo, et al. having moved for leave to file a brief as amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file nine copies of the brief as amici curiae forthwith.

ENTER:


CLERK

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

BEFORE: Hon. Paul G. Feinman,
Justice of the Appellate Division

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

M-1430
Ind. No. 3774/90

-against-

CERTIFICATE
DENYING LEAVE

Homero Puello Bordas,

Defendant.
-----X

I, Paul G. Feinman, 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 (James M. Kindler, J.), entered on or about June 27, 2012, is hereby denied.


Justice

Dated: New York, New York
March 28, 2013

ENTERED

MAY 21 2013

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

Respondent,

-against-

Junior Lopez,

Defendant-Appellant.
-----X

M - 1893
Ind. No. 9598/89

CERTIFICATE
GRANTING LEAVE

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about January 22, 2013.

Dated: May 6, 2013
New York, New York



Hon. Rolando T. ACosta
Associate Justice

ENTERED

MAY 21 2013

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

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-5045
Ind. No. 5090/04
and 5090a/04

-against-

Robert Thomas,
Defendant.

CERTIFICATE
DENYING LEAVE

-----X
I, DAVID FRIEDMAN, 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,
entered on or about June 6, 2012, is hereby denied. To the
extent that defendant seeks poor person relief and assignment of
counsel, that motion is hereby denied as academic.

Dated: New York, New York
April 11, 2013

Entered: May 21, 2013



DAVID FRIEDMAN
Justice of the Appellate Division