

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 October 17, 2013.

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

-----X

Don Brown,
Plaintiff-Appellant,

-against-

M-4520X
Index No. 105832/08

SLG 100 Park LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 24, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 3, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 17, 2013.

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

-----X
Deric Menga and Wilfred Ignace, etc.,
Plaintiffs-Respondents,

-against-

M-4602X
Index No. 650081/11

Clark Dodge & Company, Inc., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 14, 2012 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 17, 2013.

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

-----X

Matteo Nania,
Plaintiff-Appellant,

-against-

M-4603X
Index No. 402990/10

Metropolitan Transit Authority, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 7, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 17, 2013.

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

-----X

TD Bank, N.A.,
Plaintiff-Respondent,

-against-

M-4608X
Index No. 302060/12

Gemini Electric Co., Inc., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 29, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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 October 17, 2013.

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

-----X

Joyce Meshel,
Plaintiff-Appellant,

-against-

M-4614X
Index No. 350604/04

Jeffrey Meshel,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 5, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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 October 17, 2013.

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

-----X
One Madison FM, LLC,
Plaintiff-Respondent,

-against-

M-4653X
Index No. 600423/10

18 East 23rd Street Realty Company,
et al.,
Defendants,

David Lipman and Mad52 LLC,
Defendants-Appellants.

(And third-party actions)
-----X

Separate appeals having been taken by defendant third-party plaintiffs David Lipman and Mad52 LLC from the order of the Supreme Court, New York County, entered on or about February 14, 2013 (mot. seq. nos. 014, 015),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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 October 17, 2013.

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

-----X
The IDW Group, LLC,
Plaintiff-Appellant,

-against-

M-4655X
Index No. 603892/09

Levine Insurance Risk Management
Services, Inc., et al.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 15, 2013 (mot. seq. nos. 006, 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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 October 17, 2013.

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

-----X

Mark Antebi,

Plaintiff-Appellant-Respondent,

-against-

M-3975
Index No. 600371/10

Thor Gallery at Warren Conner, LLC,
et al.,

Defendants-Respondents-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated June 7, 2013, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 October 17, 2013.

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

-----X
Wilmington Trust, National Association,
Plaintiff-Respondent,

-against-

Vitro Automotriz, S.A. de C.V., et al., M-4113
Defendants-Appellants, Index No. 652303/11

-and-

Fintech Investments, Ltd.,
Intervenor-Appellant.

-----X

Appeals having been taken from of orders the Supreme Court, New York County, entered on or about March 23, 2012 (mot. seq. no. 004) and April 16, 2012 (mot. seq. nos. 001, 003), respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated August 6, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
The Village Joint, Inc. and Stephen Choi,
Plaintiffs-Respondents,

-against-

M-4334
Index No. 105646/07

Berzak Associates Architects, P.C., and
Michael David Berzak, R. A.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 16, 2012 (mot. seq. nos. 003-004),

Now, upon reading and filing the stipulation of the parties hereto, dated July 31, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
In the Matter of the Application of
Police Officer Kim Morgan, etc.,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4587
Index No. 110481/11

Raymond W. Kelly, etc., et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 21, 2012, to review a determination of respondents,

Now, upon reading and filing the stipulation of the parties hereto, dated September 5, 2013, and due deliberation having been had thereon,

It is ordered that the proceeding, previously perfected for the October 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 October 17, 2013.

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

-----X
Arlene R. Silverman, etc.,
Plaintiff-Appellant,

-against-

M-3832
Index No. 117058/08

Sheldon Silver, etc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 26, 2012,

And defendants-respondents having moved for an enlargement of time to file a respondents' brief,

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
Virginia M. Henneberry,

Plaintiff-Respondent,

-against-

Leon Baer Borstein,
Defendant,

James B. Sheinbaum, et al.,
Defendants-Appellants.

-----X

M-4654X

M-4544

Index No. 600357/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2013,

And plaintiff-respondent having moved for dismissal of the aforesaid appeal, and for other relief (M-4544),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 2013 (M-4654X), and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and 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 October 17, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Leland G. DeGrasse, Justices.

-----X

In the Matter of the Application of
Carol Tolbert,
Petitioner,

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

M-4302
M-4582
Index No. 401241/12

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 15, 2012, to review a determination of respondent,

And respondent having moved to dismiss the proceeding for failure to timely prosecute (M-4302),

And petitioner having cross-moved for enlargement of time to perfect the proceeding as a poor person, for leave to have the proceeding heard on the original record and upon a reproduced petitioner's brief, and for other relief (M-4582),

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 unless the proceeding is perfected for the February 2014 Term (M-4302). The cross motion is granted the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner

serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record, with a copy to petitioner's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. The time to perfect said proceeding is enlarged to the February 2014 Term (M-4582).

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 October 17, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Leland G. DeGrasse, Justices.

-----X
Eastco Building Services, Inc.,

Plaintiff-Respondent,

-against-

M-5154

Index No. 102322/10

New York City Housing Authority,

Defendant-Appellant.
-----X

Plaintiff-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 September 27, 2012 (Appeal No. 8130),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 10, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

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

Respondent, M-4683
-against- M-3756
Ind. No. 79/12

Taylor Murphy,

Defendant-Appellant.
-----X

Defendant, pro se, and counsel for defendant by separate motions having renewed defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 4, 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 motions are 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 reproduced 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 October 17, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of the Catholic Guardian Society and Home Bureau for the Custody and Guardianship of

Asia Sabrina N.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-4435
Docket No. B-20908/11

Olu N.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Law Guardian 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 27, 2013, for assignment of counsel, a free copy of the transcript, and for a stay of proceedings in connection with the adoption of the subject child, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue #576, Hastings on Hudson, New York, NY 10706, Telephone No. (914)439-4843, 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.**

The motion is otherwise denied to the extent it seeks a stay of adoption proceedings and related relief.

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 October 17, 2013.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Industrial Risk Insurers as subrogee
of New York & Company,

Plaintiff-Respondent,

-against-

M-4489
M-4615
M-4817

Index No. 107757/09

715 Lexington Avenue LLC,
Defendant-Appellant-Respondent,

Gateway Enterprises, Inc.,
Defendants-Respondent-Appellant,

Ales Group USA,
Defendant-Respondent-Appellant.

-----X
(And other actions)
-----X

An appeal and two cross appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 23, 2013,

And defendant-appellant-respondent, 715 Lexington Avenue LLC, having moved for an enlargement of time to perfect the direct appeal (M-4489),

And defendant-respondent-appellant, Gateway Enterprises, Inc., having cross-moved for an enlargement of time to perfect their cross appeal (M-4615),

And defendant-respondent-appellant, Ales Group USA, having cross-moved for an enlargement of time to perfect their cross appeal (M-4817),

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

It is ordered that the motion and cross motions are granted to the extent of enlarging the time to perfect the appeal and cross appeals to the February 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Sandra Piedrabuena Abrams,
Plaintiff-Appellant,

-against-

M-4624
Index No. 110329/09

Danielle Pecile,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 31, 2012 (mot. seq. no. 016),

And defendant-respondent having moved for an order enlarging the record on appeal to include the March 23, 2012 memorandum submitted by the plaintiff in opposition to defendant's motion for summary judgment,

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

It is ordered that the motion is granted and defendant-respondent is directed to serve and file a supplemental record on appeal, containing the aforesaid material 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 October 17, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
Fatou Ndiaye,
Plaintiff-Respondent,

-against-

M-4149
Index No. 306328/11

Boubacar Ndour,
Defendant-Appellant.
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 17, 2013 and an order of the same Court and Justice dated December 13, 2013,

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

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated August 8, 2013 is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT : Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of

AIG and New Hampshire Insurance Co.
as assignee of Clair Bari,
Petitioners-Respondents,

-against-

M-4393
Index No. 158055/12

Health Insurance Plan Of Greater
New York also known as HIP and
Healthcare Subrogation Group, Inc.,
Respondents-Appellants.

-----X

In the Matter of the Application of

AIG and New Hampshire Insurance Co.
as assignee of Tadeusl Kuzniar,
Petitioners-Respondents,

-against-

Index No. 158056/12

Group Health Incorporated also known
as GHI and Healthcare Subrogation
Group, Inc.,
Respondents-Appellants.

-----X

In the Matter of the Application of

AIG and New Hampshire Insurance Co.
as assignee of Bogdan Kubacki,
Petitioners-Respondents,

-against-

Index No. 158057/12

Health Insurance Plan Of Greater
New York also known as HIP and
Healthcare Subrogation Group, Inc.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 22, 2013 in each of the above-captioned actions,

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 appellants to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

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 October 17, 2013.

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

-----X
David Iverson,
Plaintiff-Respondent,

-against-

M-2860
Index No. 22610/99

Ghassan Sayaegh,
Defendant-Appellant,

Adnan Al Faiyad, doing business as
Van Cortlandt Deli,
Defendant-Respondent.

-----X
David Iverson,
Plaintiff-Respondent,

-against-

Ghassan Sayaegh,
Defendant,

Adnan Al Faiyad, doing business as
Van Cortlandt Deli,
Defendant-Appellant.

-----X

Plaintiff-respondent David Iverson having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 2, 2013 (Appeal No. 9955-9956),

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 October 17, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

Michael Jaliman, et al.,
Plaintiffs-Appellants,

-against-

M-3261
Index No. 123882/93

D.H. Blair & Co. Inc., also known as
Harris & Parks, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant Michael Jaliman having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal No. 9893),

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 October 17, 2013.

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

-----X

Castor Petroleum Ltd.,

Plaintiff-Appellant,

-against-

M-3660

Index No. 600243/08

Petroterminal De Panama, S.A.,

Defendant-Respondent.

-----X

Plaintiff-appellant, Castor Petroleum Ltd., having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 13, 2013 (Appeal Nos. 10347/10348/10349),

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 October 17, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

National Union Fire Insurance
Company of Pittsburgh,
Pennsylvania, Associated
Electric & Gas Insurance Services
Limited, Ace Ina Insurance and
Arch Insurance Company,
Plaintiffs-Appellants,

Action No. 1
M-4510

Index No. 650515/10

-against-

Transcanada Energy USA, Inc.
and TC Ravenswood Services Corp.,
Defendant-Respondents.

-----X

TC Ravenswood, LLC,
Plaintiff-Respondent,

Action No. 2
M-4509

Index No. 400759/11

-against-

National Union Fire Insurance
Company of Pittsburgh,
Pennsylvania (also known as AIG,
now known as Chartis), Associated
Electric & Gas Insurance Services
Limited, Arch Insurance Company and
Factory Mutual Insurance Company,
Defendants-Appellants.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 20, 2013,

And defendant-appellant Factory Mutual Insurance Company having moved for a stay, of so much of the order appealed as directed the production of certain so called "attorney/client communications and work product" in question, pending hearing and determination of the appeals taken therefrom (M-4509),

And National Union Fire Insurance Company of Pittsburgh, Pennsylvania (also known as AIG, now known as Chartis), having moved separately for the aforesaid relief with respect to its "attorney/client communications and work product" in question (M-4510),

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

It is ordered that the motions are granted and so much of the order appealed as directed turn over of the aforesaid so called "attorney/client communications work product, is stayed, on condition the appeals are perfected on or before December 2, 2013 for the February 2014 Term (M-4509/M-4510). The Clerk is directed to calendar the appeals for hearing together in the event they are so perfected for said February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X

Hugo Olea,
Plaintiff-Appellant,

-against-

Overlook Towers Corp., et al.,
Defendants-Respondents,

M-3072
M-3079
Index No. 17459/07
84106/10

Perimeter Bridge & Scaffold Co., Inc.,
Defendant.

(And a Third-Party Action)

-----X

Defendants-respondents Lopez Construction Services Corp. having moved for reargument of the decision and order of this Court entered on May 2, 2013 (Appeal No. 9976) [M-3072],

And defendants-respondents Overlook Towers Corp., et al. having moved by a separate motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court [M-3079],

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

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
Manuel Mayo, et al.,
Plaintiffs-Respondents,

-against-

M-3638
M-4150
Index No. 115545/08

Metropolitan Opera Association, Inc.,
et al.,
Defendants-Appellants-Respondents.

-----X

Metropolitan Opera Association, Inc.,
Third-Party Plaintiff-
Appellant-Respondent,

-against-

Strauss Painting, Inc., et al.,
Third-Party Defendants-
Respondents-Appellants,

Nova Casualty Company,
Third-Party Defendant-
Respondent.

-----X

Third-party defendant-respondent Creative Finishes Limited having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10530) [M-3638],

And defendant/third-party plaintiff Metropolitan Opera Association, Inc., having moved by a separate motion for the same relief (M-4150),

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

It is ordered that the motions are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
In re 445 East 80th Street Tenants
Association, etc.,
Petitioner-Appellant,

-against-

M-3733
Index No. 110389/11

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

Clermont York Associates,
Intervenor-Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 11, 2013 (Appeal No. 10319),

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 October 17, 2013.

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

-----X
333 Fifth Avenue Associates, LLC, et al.,
Plaintiffs-Appellants,

-against-

M-3823
Index No. 116261/09

Utica First Insurance Company, et al.,
Defendants-Respondents,

SPN, Inc., et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal Nos. 10430-10431-10432),

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 October 17, 2013.

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

-----X
Grand Pacific Finance Corp.,
Plaintiff-Respondent,

-against-

M-3981
Index No. 100018/09

Alexander Ashkenazi, et al.,
Defendants.

Amit Louzon,
Nonparty Appellant.

-----X

Nonparty-appellant Amit Louzon having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10532),

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 October 17, 2013.

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

-----X

In re L. Dennis Kozlowski,
Petitioner-Respondent,

-against-

M-3983
Index No. 104097/12

New York State Board of Parole,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10541),

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 October 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X
Tarsheka Luckey and Antonio Watkins,
as Co-Administrators of the Goods,
Credits and Things that were of
Eva Luckey, Deceased,
Plaintiffs-Appellants,

-against-

M-4612
Index No. 18937/03

City of New York, The New York City
Health & Hospitals Corporation,
Prison Health Services, Inc., Eric
Perry, Myrtle Powell and Connie
Rashid,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 7, 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 February 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Judith J. Gische, Justices.

-----X
Hollye D. Powell,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant-Appellant.

M-4600
Index No. 307850/08

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal 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 granted to the extent of enlarging the time to perfect the appeal to the February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

-----X
Fieldstone Capital, Inc., et al.,
Plaintiffs-Appellants,

Foxhurst Realty, Inc., et al.,
Plaintiffs,

-against-

M-2827
Index No. 653319/11

Loeb Partners Realty, et al.,
Defendants-Respondents,

LH Eagle Ridge Associates LLC, et al.,
Defendants,

L 63 Partners, L.P., et al.,
Nominal Defendants.

-----X

A decision and order of this Court having been entered on April 16, 2013 (Appeal No. 9815), unanimously reversing an order of the Supreme Court, New York County, entered on or about November 29, 2012,

And defendants-respondents having moved for clarification of the aforesaid decision and order of this Court entered on April 16, 2013 (Appeal No. 9815),

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 October 17, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
People ex rel. Lance Lazzaro on behalf
of Roman Vitkin,
Petitioner-Appellant,

-against-

M-4404
Ind. No. 101106/13

Dora B. Schriro, etc.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for bail pending hearing and determination of the appeal from the judgment of the Supreme Court, New York County, entered on or about August 12, 2013,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

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

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

-against-

M-3918
Ind. No. 3709/09

Michael Outerbridge, also known as
A., Kiumurroe,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 25, 2011,

And an order of this Court having been entered on February 26, 2013 (M-104), granting the People's motion to dismiss the aforesaid appeal,

And defendant, pro se, having moved for reinstatement of his 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 October 17, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
In the Matter of

Krystopher D'A.,

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

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

M-3763
Docket No. NN-12038/12

Amakoe D'A.,
Respondent-Appellant.

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

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

- - - - -
Chitra D'A.,
Petitioner-Respondent,

Docket Nos. V-49470/12
NN-12038/12

-against-

Amakoe D'A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, New York County, entered on or about November 14, 2012, and from Final Order on Petition for Custody of said Court entered on or about May 29, 2013, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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 October 17, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-4119
Ind. No. 4680/10

Moses Suarez,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 17, 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 reproduced 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 October 17, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

M-4083
Ind. No. 1169/10

Joseph Smalls,
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 (Mullen, J.), entered on or about March 26, 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 Mullen 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 October 17, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

James Robinson,
Defendant-Appellant.

M-4121
Ind. Nos. 3430/11
1856/11

-----X

An order of this Court having been entered on December 27, 2011 (M-4956), 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 September 15, 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 October 17, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-4298
Ind. No. 1932N/13

Dwight Furet,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2013,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4050
Ind. No. 3131/12

Raymond Gordon,
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 May 23, 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, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Arnold Keit, Jr. Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Junior Pacheco,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4596
of the Civil Practice Law and Rules, Index No. 400336/13

-against-

State of New York Department of Motor
Vehicles,
Respondent-Respondent.

-----X
Petitioner-appellate having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 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, without prejudice to further proceedings in Supreme 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 October 17, 2013.

PRESENT: Hon: David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

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

-against-

James V. Moore,
Defendant-Appellant.

M-3995
Ind. Nos. 5460/09
2596/10

-----X

An order of this Court having been entered on December 13, 2012 (M-4691), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 7, 2011, under Indictment No. 5460/09, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 2596/10,

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 amending defendant's notice of appeal and the aforementioned order of this Court to include Indictment No. 2596/10, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Arkin Kaplan Rice LLP, Stanley S. Arkin
and Lisa C. Solbakken,
Plaintiffs-Appellants,

-against-

M-4569
Index No. 652316/12

Howard Kaplan, Michelle Rice and Kaplan
Rice LLP,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 30, 2013 and September 4, 2013, respectively,

And plaintiffs-appellants having moved for a stay of the aforesaid orders pending hearing and determination of the appeals,

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

It is ordered that the motion is 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 October 17, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Jerome Silverstein,
Petitioner-Respondent,

-against-

M-4708
Index No. 119998/93

For a Decree Removing the Trustees

Max Goodman and Viola Goodman,
Appointed Under the Trust of
Leontine Silverstein, Deceased,
Respondents-Appellants.

-----X

An appeal having been taken from the Judgment and Order Settling Final Account and Discharging Receiver of the Supreme Court, New York County, entered on or about July 17, 2012, and said appeal having been perfected,

And an order of this Court having been entered on September 24, 2013 (M-4227) directing respondents-appellants to serve and file a supplemental appendix consisting of Exhibit A to the motion papers submitted by Mark L. Lubelsky and Associates for Court Appointed Receiver Paul Sklar, forthwith, and adjourning the appeal to the November 2013 Term,

And respondent-appellant Viola Goodman having moved to serve said supplemental appendix and to adjourn 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 directing respondent-appellant to serve and file forthwith said supplemental appendix in accordance with the aforesaid order of this Court entered on September 24, 2013 (M-4227) and maintaining the appeal on this Court's calendar for the November 2013 Term. 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 October 17, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----x
In the Matter of the Application of
Shaiju Kalathil,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3489
M-3681
Index No. 110797/11

-against-

Mercy College,
Respondent-Respondent.

-----x

Appeals having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 7, 2012, and from the order of said Court entered on or about May 23, 2013, respectively,

And petitioner-appellant having moved for an enlargement of time to perfect the appeal from the judgment entered on or about May 7, 2012 (M-3489),

And respondent-respondent having cross-moved for an order denying petitioner's motion for an enlargement of time to perfect the appeal from the judgment entered on or about May 7, 2012, for dismissal of both of the appeals, and to prohibit petitioner from filing any further ex parte orders to show cause in this matter(M-3681),

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 denied, and the cross motion is granted to the extent of directing the Clerk of this Court not to accept any further ex parte applications or motions from petitioner in this matter unless petitioner first obtains permission from this Court, and the cross motion is otherwise denied without prejudice to further proceedings in Supreme 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 October 17, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of the Arbitration
Between,

CPG Construction & Development Corp.,
and Safeco Insurance Company of America,
Petitioners-Respondents,

Action No. 1
Index No. 102055/10

M-3558
M-4714

-against-

415 Greenwich Owner, LLC,
Respondent-Appellant.

-----X

415 Greenwich Mezzanine Owner, LLC,
et al.,
Plaintiffs-Appellants,

Action No. 2
Index No. 651176/10

-against-

KBS 415 Greenwich, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken (Action No. 1) from an order of the Supreme Court, New York County, entered on or about March 12, 2012; and an appeal having been taken (Action No. 2) from the same order of said Court,

And respective appellants (Action No. 2) having moved for all appellants to perfect their respective appeals as poor persons, and for an enlargement of time to perfect said appeals (M-3558),

And petitioners-respondents (Action No. 1) having cross-moved for dismissal of the aforesaid appeals (M-4714),

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 respective appellants' motion is granted only to the extent of enlarging the time to perfect the aforesaid appeals to the February 2014 Term, and otherwise denied with no further enlargements to be granted (M-3558). Petitioners-respondents' cross motion to dismiss the aforesaid appeals is granted unless appellants perfect their appeals for said February 2014 Term. The cross motion to dismiss said appeals (Action No. 2) is granted unless appellants perfect their appeals for said February 2014 Term, without prejudice to raising issues on the appeal. The parties' attention is directed to the prior order of this Court entered on March 12, 2013 (M-286/M-471/M-328/M-341), sua sponte, directing the Clerk to calendar the aforesaid appeals for hearing together. (See (M-286/M-471/M-328/M-341, entered March 12, 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 October 17, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Accounting of Lawrence Kalik and Chase Manhattan Bank As Co-Trustees of

Louis Wagman Trust U/A Dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

Surrogate's Court
File No. 1121/1986

Accounting of Carl Wagman as Co-Trustee of Continuing Trust of Louis Wagman Trust U/A dated August 3, 1977 and as Amended in 1984 F/B/O Loretta Wagman.

M-4096
M-4105
M-4276

Supreme Court of the State of New York,
County of New York.

Loretta Wagman,
Plaintiff-Appellant,

-against-

Supreme Court
Index No. 107856/98
Case No. 19294

Lawrence Kalik, as Executor, Trustee,
and individually, et al.,
Defendants-Respondents.

-----X

Appeals having been taken by plaintiff-appellant, Loretta Wagman, from orders of the Surrogate's Court, New York County, entered on or about January 2, 2009 and on or about March 6, 2012, respectively; and a cross appeal having been taken by respondent/Trustee JPMorgan Chase Bank from said order entered on or about March 6, 2012,

And an order of this Court having been entered on November 8, 2012 (M-3196) consolidating the Wagman appeals; and an order of this Court having been entered on May 14, 2013 (M-1562) enlarging the time to perfect said consolidated appeals to the October 2013 Term of this Court,

And respondent-appellant, JPMorgan Chase Bank, having moved for an enlargement of time to perfect their cross appeal (M-4096),

And plaintiff-appellant, Carl Wagman, having moved for an enlargement of time to perfect the consolidated appeals (M-4105);

And respondent-appellant, JPMorgan Chase Bank, having cross-moved to dismiss plaintiff-appellant's appeals (M-4276),

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

Ordered that the respective parties' motions are granted to the extent of enlarging the time to perfect all appeals to the February 2014 Term (M-4096/M-4105). The cross motion to dismiss plaintiff's appeals is granted unless plaintiff perfects his consolidated appeals for said February 2014 Term (M-4276).

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 October 17, 2013.

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

-----X
Seneca Insurance Company, Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-2643
Index No. 601087/10

Cimram Co., Inc., et al.,
Defendants-Respondents-Appellants.
-----X

Defendants-respondents-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 9, 2013 (Appeal No. 9226),

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 October 17, 2013.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Margarita M. DeJesus,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3738
of the CPLR, Index No. 102346/12

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about October 12, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 the motion, to the extent it seeks poor person relief, is denied, with leave to renew upon a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth whether petitioner was represented by trial counsel and, if so, an explanation as to why similar funds are not available to prosecute this appeal, and copies of Income Tax forms for the years 2011 and 2012. The time to perfect the appeal is enlarged to the February 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3556
Ind. No. 2503/10

James S. Margulies,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeals from the judgment of the Supreme Court, New York County, rendered on or about September 9, 2011, and from the order of said Court entered on or about September 26, 2011, respectively,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 17, 2013.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

AXA Mediterranean Holdings, N.A.,
Plaintiff-Appellant,

-against-

M-3536

Index No. 652110/10

ING Insurance International, B.V.,
Defendant-Respondent.

-----x

Appeals having been taken to this Court by plaintiff-appellant from orders of the Supreme Court, New York County, entered on or about July 30, 2012 and October 12, 2012, respectively,

And plaintiff-appellant having moved on behalf of both parties for leave to file, under seal, those limited portions of the record on appeal containing documents designated as concerning "confidential or highly confidential" information, pursuant to and in accordance with the "so ordered" stipulation of the parties filed November 18, 2011, in **sealed** envelopes as they were presented to the IAS Court; and permitting the parties to file their appellate brief **under seal** to the extent they include confidential material,

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

It is ordered that the motion is granted.

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

-against-

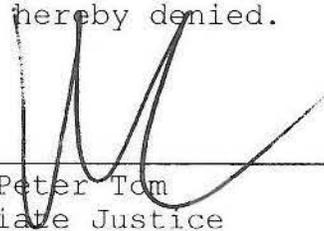
Louis Posner,

Defendant.
-----X

M-2609
Ind. No. 3982/08

CERTIFICATE
DENYING LEAVE

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 28, 2013 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 23, 2013
New York, New York

ENTERED OCT 17 2013

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

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

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

M-4270
Ind. No. 1578/89

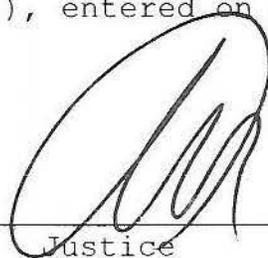
-against-

CERTIFICATE
DENYING LEAVE

Edward Gueits,

Defendant.
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Patricia Anne Williams, J.), entered on or about June 13, 2013, is hereby denied.



Justice

Dated: New York, New York
, 2013

ENTERED

OCT 17 2013

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

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Respondent,

CERTIFICATE
GRANTING LEAVE

-against-

M-4873
Dkt. 71337C/2007

Jeffrey Johnson,

Defendant-Appellant.
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the People for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,¹ this case involves a question of law which ought to be reviewed by the Court of Appeals and permission to appeal is hereby granted.

Dated: October 4, 2013
New York, New York

ENTERED



Richard T. Andrias,
Justice of the Appellate Division

OCT 17 2013

Description of Order:

08/27/13 (Appeal No. 9779)
App. Div. 1st Dept.

NOTICE: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to § 500.2 of the Rules of the Court of Appeals. (22 NYCRR § 500.2).

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

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

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

M-4645
Ind. No. 11643/94

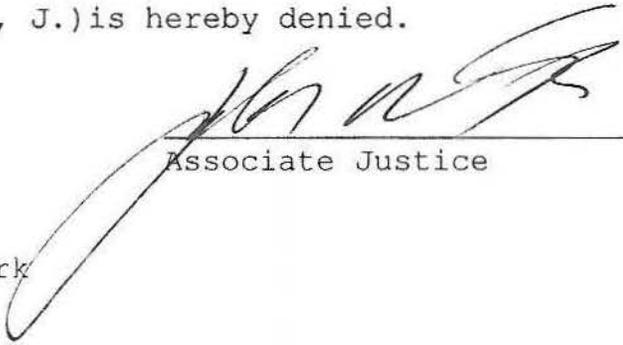
-against-

CERTIFICATE
DENYING LEAVE

Juan Caceres,

Defendant.

-----X
I, John W. Sweeny, Jr., a Justice of the Appellate
Division, First Judicial Department, do hereby certify that,
upon application timely made by the above-named defendant for
a certificate pursuant to Criminal Procedure Law, sections
450.15 and 460.15, and upon the record and proceedings herein,
there is no question of law or fact presented which ought to
be reviewed by the Appellate Division, First Judicial
Department, and permission to appeal from the order of the
Supreme Court, New York County, dated on or about July 24,
2013 (Robert M. Mandelbaum, J.) is hereby denied.



Associate Justice

Dated: October 9, 2013
New York, New York

ENTERED: **OCT 17 2013**

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-3578
Ind. No. 5016/88

-against-

CERTIFICATE
DENYING LEAVE

Rigoberto Carty,

Defendant.
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 2, 2013, is hereby denied.


Associate Justice

Dated: September 18, 2013
New York, New York

ENTERED: **OCT 17 2013**

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-4187
Ind. No. 1223/72

-against-

CERTIFICATE
DENYING LEAVE

Gregory Mingo,

Defendant.
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 22, 2013, is hereby denied.


Associate Justice

Dated: September 23, 2013
New York, New York

ENTERED: **OCT 17 2013**

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

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

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

M-1362
Ind. No. 5228/92

-against-

CERTIFICATE
DENYING LEAVE

Tony Vasquez a/k/a Angel Vasquez,
Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Ruth Pickholz, J), entered on or about January 3, 2013, is hereby denied.

Associate Justice

Dated: August 20, 2013
New York, New York

ENTERED:
OCT 17 2013

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

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

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

M-2008
Ind. No. 4469/98

-against-

CERTIFICATE
DENYING LEAVE

Junior Collins,

Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Charles H. Solomon, J), entered on or about December 21, 2012, is hereby denied.



Associate Justice

Dated: August 20, 2013
New York, New York

ENTERED: **OCT 17 2013**

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

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

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

M-3780
Ind. No. 0944/09

-against-

CERTIFICATE
GRANTING LEAVE

Keith Fagan,
Defendant-Appellant.

-----X

I, Judith J. Gische, 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, Bronx County (George Villegas, J.), entered on or about June 28, 2013.¹

Dated: September 25, 2013
New York, New York

ENTERED

OCT 17 2013

Hon. Judith J. Gische
Associate Justice

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 (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

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

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

M-4185
Ind. No. 4497-99

-against-

CERTIFICATE
DENYING LEAVE

Frank Harris,

Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Marcy Kahn, J), entered on or about June 25, 2013, is hereby denied.

Associate Justice



Dated: September 10, 2013
New York, New York

ENTERED: **OCT 17 2013**