

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 22, 2013.

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

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

-against-

M-4630
Ind. No. 6116/99

Miguel Acosta, also known as
Napoliner Talabero,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about May 29, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2013.

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

-----X
Margaret Blackstone,
Plaintiff-Respondent,

-against-

M-4632X
Index No. 311757/94

Thomas Lunde,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 28, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 11, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2013.

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

-----X

Vanity Ramos,
Plaintiff-Respondent,

-against-

M-4633X
Index No. 301929/07

City Wide Transit, Inc., Candido Veras,
Defendants-Appellants,

Nelson Vasquez,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 13, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2013.

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

-----X

John Toscani, et al.,
Plaintiffs-Respondents,

-against-

M-4864X
Index No. 305428/08

One Bryant Park, LLC, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 1, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 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 22, 2013.

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

-----X
Benny Wong and L&W Development, Inc.,
Plaintiffs-Appellants-Respondents,

-against-

M-4638X
Index No. 601048/08

Elma Moy and Florentine Music & Tutorial,
Inc.,
Defendants-Respondents-Appellants.

-----X
Florentine Music & Tutorial, Inc.,
Petitioner-Respondent-Appellant,

-against-

Chinese American Media Holding Inc.,
also known as Chung Wah Commercial
Broadcasting Company Inc.,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 10, 2012 (mot. seq. no. 005),

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 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 22, 2013.

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

-----X
Young Woo & Assoc., LLC, et al.,
Plaintiffs-Respondents,

-against-

M-4414
Index No. 652208/10

Andrew Y. Kim,
Defendant-Appellant,

Sahn Eagle LLC and Christine A. Rodriguez,
Non-Party Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 28, 2012,

And a motion having been made to withdraw as counsel for plaintiffs-respondents, and for other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 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 22, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Rebecca S. Serdans,
Plaintiff-Respondent,

-against-

M-4529
Index No. 100675/12

The New York and Presbyterian
Hospital,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 7, 2013, and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

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

-----X
In the Matter of the Application for
the Custody and Guardianship of

Brandon T., and
Brian T.,

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

Catholic Guardian Society, et al.,
Petitioners-Respondents,

M-3503
Docket Nos. B-04760/08
B-04761/08

Jeannette F.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother Jeanette F., having moved for leave to prosecute, as a poor person, the appeal from the Order of Finding of Fact, Conclusions of Law, and Final Disposition of the Family Court, Bronx County, entered on or about May 20, 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, 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.** (See M-3884, decided simultaneously herewith.)

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 22, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of the Application for the Custody and Guardianship of

Brandon T., and
Brian T.,

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

Catholic Guardian Society, et al.,
Petitioners-Respondents,

M-3884
Docket Nos. B-04760/08
B-04761/08

Jeannette F.,
Respondent-Appellant,

Thelmo T.,
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from Orders of Finding of Fact, Conclusions of Law, and Final Disposition of the Family Court, Bronx County, entered on or about May 20, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, 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.** (See M-3503, decided simultaneously herewith.)

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 22, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X

F. Isaac Hakim,
Plaintiff-Respondent,

-against-

M-2118
Index No. 651529/10

Kamran Hakim, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 11, 2012 (Appeal No. 6297),

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 22, 2013.

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

-----X

Elise Downing, et al.,
Plaintiffs-Appellants,

-against-

M-2979
Index No. 100725/10

First Lenox Terrace Associates,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal Nos. 7661-7662),

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 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, inter alia, reversed the order of the 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 October 22, 2013.

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

-----X

Haroon Rashid, etc.,
Plaintiff-Appellant,

-against-

M-3921
Index No. 653426/11

B. Taxi Management Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10413),

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 22, 2013.

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

-----X
Board of Mgrs. of St. James Tower
Condominium Association,
Plaintiff-Respondent,

-against-

M-4713
Index No. 106826/11

Dorothea Kutler,
Defendant-Appellant,

NYC Transit Adjudication Bureau,
et al.,
Defendants.

-----X

Defendant-appellant pro se having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 19, 2012 (mot. seq. no. 002),

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 22, 2013.

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

-----X

Yanella Gudz, etc.,
Plaintiff-Respondent,

-against-

M-2957
Index No. 603555/09

Jemrock Realty Company, LLC,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal Nos. 9181-9182),

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 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 this Court, which, inter alia, affirmed the order of the 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 October 22, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman, Justices.

-----X
Henry Desmangles, etc.,
Plaintiff-Appellant,

-against-

M-3919
Index No. 653423/11

Woodside Management, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10410),

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 22, 2013.

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

-----X

Khaled Pervaiz, etc.,
Plaintiff-Appellant-Respondent,

-against-

M-3920
Index No. 450220/12

Queens Medallion Leasing, Inc.,
Defendant-Respondent-Appellant.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10412),

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 22, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman, Justices.

-----X
Diego De La Rosa, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-3922
Index No. 653424/11

All Taxi Management, Inc.,
Defendant-Respondent-Appellant.
-----X

Plaintiffs-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 20, 2013 (Appeal No. 10411),

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 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 22, 2013.

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

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

Robert V. C., M-2991
Petitioner-Appellant, Docket No. F-4406/95-12L

-against-

Polly V. H.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of Decision of Objection of the Family Court, Bronx County, entered on or about April 22, 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

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

to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

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

-----X

In the Matter of the Guardianship
of the Person and Custody of

Malik M. M.,

A Child Under 18 Years of Age
alleged to be Neglected Pursuant to
§ 384(b) of the Social Services
Law of State of New York.

M-2993
Docket No. B-3915/11

Edwin Gould Services for Children
and Families,
Petitioner-Appellant,

Shaneque M.,
Respondent-Respondent.

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

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about October 3, 2012, and for assignment of counsel, a free copy of the transcript, an enlargement of time 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NYY 11791, Telephone No. 516-921-8800, as counsel for purposes of responding to the appeal; (2) permitting

movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 22, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Anandram Bridgemohan, as
Administrator of the Estate of
Chardrawatie Goberdhan, Deceased,
Plaintiff-Appellant,

-against-

M-4475
Index No. 308483/09

The Hebrew Home For the Aged
at Riverdale,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 24, 2012,

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

It is ordered that the motion is 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 22, 2013.

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

-----X
The People of the State of New York
ex rel. Michael Marcus,
Petitioner,

-against-

M-4197
Ind. No. 2154/09

Luis Rivera, Warden of Anna M.
Kross Center, New York City
Department of Corrections,
Queens County,
Respondent(s).

-----X

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

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

It is ordered that the application for the writ is hereby granted to the extent of transferring the matter to the Supreme Court, Queens County, at 88-11 Sutphin Boulevard, Jamaica, New York 11435, for disposition, 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 October 22, 2013.

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

-----X
The People of the State of New York
ex rel. Robert Lemmo,
Petitioner,

-against-

M-4200
Ind. No. 2923/12

James Perrino, Warden of Eric M.
Taylor Center, New York City
Department of Corrections,
Queens County,
Respondent(s).

-----X

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

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

It is ordered that the application for the writ is hereby granted to the extent of transferring the matter to the Ex Parte Office of the Supreme Court, Queens County, at 88-11 Sutphin Boulevard, Jamaica, New York 11435, for disposition 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 October 22, 2013.

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

-----X
Gabriel Giron, an Infant, by his
Mother and Natural Guardian,
Christina Pabon and Christina Pabon,
Individually,
Plaintiffs-Respondents,

-against-

Montefiore Medical Center,
Defendant-Appellant.

M-4461
Index No. 20588/09

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 18, 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 22, 2013.

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

-----X
KMS Mechanical Systems, Inc.,
Plaintiff-Respondent,

-against-

M-4549
Index No. 652066/10

1765 First Associates, LLC,
Defendant-Appellant,

Complete Technical Service, Inc.,
et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 10, 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 May 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 22, 2013.

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

-----x

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

Antoine R. A.,
Petitioner-Appellant,

-against-

M-4499
Docket Nos.
V-08941-11/12F
V-10735-11/12F

Theresa M.,
Respondent-Respondent.

-----x

In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Theresa M.,
Petitioner-Respondent,

-against-

Docket No. O-21932/12

Antoine R. A.,
Respondent-Appellant.

-----X

Appeals having been taken to this Court by petitioner-appellant/respondent father from an order of the Family Court, Bronx County, entered on or about January 3, 2013 (V-08941-11/12F and V-10735-11/12F) and by respondent-appellant/respondent mother from an Order of Fact-Finding and Disposition and the Order of Protection of the Family Court, Bronx County, entered on or about February 1, 2013 (O-21932/12), respectively,

And orders of this Court having been entered on March 19, 2013 (M-4550) and on May 7, 2013 (M-1034) granting the parties' motions for poor person relief and assignment of counsel, respectively,

And appellants having jointly moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting each of the appellants to prosecute their respective appeals upon one set of appellant points and one set of corresponding respondent's points covering the appeals and enlarging the time to perfect the consolidated appeals to the March 2014 Term. The Clerk is directed to calendar said consolidated appeals for hearing together during the aforesaid March 2014 Term.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
David B. Saxe
Helen E. Freedman, Justices.

-----X

Bryan Schwartz, et al.,
Plaintiffs-Appellants,

-against-

M-3034
Index No. 109186/09

Empire City Subway Company (Limited),
Defendant-Respondent,

Verizon New York, Inc., et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 9, 2013 (Appeal No. 10030),

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 22, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Lorraine Borden, etc., et al.,
Plaintiffs-Respondents,

-against-

M-3008
Index No. 650361/09

400 East 55th Street Associates, L.P.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 25, 2013 (Appeal No. 9284N - 9285N),

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 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, inter alia, affirmed the order of the 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 October 22, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

In re James Woods,
Petitioner-Appellant,

-against-

M-4027
Index No. 260541/10

Meenakshi Srinivasan, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 2, 2013 (Appeal No. 10515),

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 22, 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-3943
Ind. No. 4538/11

Abdul R. Cornelius, also known as
Abdul Cornelius,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 31, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-

Melvin Livingston,

Defendant-Appellant.
-----X

M-3962
Docket No. 2010NY081919
N.Y. Co. Clerk's No.
570825/11

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 May 4, 2011, 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, if not already done, shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-

Louis Harris,
Defendant-Appellant.

M-3963
Docket No. 2010NY077741
NY County Clerk's No. 50003/11

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 12, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-4139

Ind. No. 2406/11

Tyrone Gregory,

Defendant-Appellant.

-----X

Defendant pro se and by The Bronx Defenders having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 11, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-3754
Ind. No. 4346/12

Charles Scott,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 10, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, Telephone No. , 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 22, 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-

Jorge Molina,
Defendant-Appellant.

M-3945
Ind. Nos. 2415/12
3028/12

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgments of the Supreme Court, New York County, both rendered on or about August 1, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-3964
Ind. No. 99022/13

Joel Ortiz,
Defendant-Appellant.

-----X

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

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

Ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Michael J. Barksy, 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 22, 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-

Michael Wells,
Defendant-Appellant.

M-3749

Ind. Nos. 1832/08
25926C/08

-----X

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

And an order of this Court having been entered on January 3, 2012 (M-5076), granting defendant-appellant poor person relief, assigning Richard M. Greenberg, Esq., as counsel on the appeal, and directing the Clerk of Supreme Court, Bronx County, to transcribe and make available to said defendant's counsel the original record on appeal, a copy of the stenographic minutes of all proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence,

And the aforesaid original record on appeal and copies of the transcripts having been filed with the Clerk of this Court on July 31, 2013,

And defendant-appellant having moved to compel the Chief Court Reporter of the Supreme Court, Bronx County, to produce the aforementioned transcripts of all proceedings,

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

Ordered that the motion is denied as moot, the aforesaid original record and transcripts having been filed with the Clerk of this Court on July 31, 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 22, 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-3899
Ind. No. 2677/10

Ismeal Rolden, also known as Ismael
Rolden,

Defendant-Appellant.
-----x

An order of this Court having been entered on June 5, 2012 (M-1858), inter alia, granting defendant leave to prosecute the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 8, 2011 as a poor person, and assigning counsel therefor,

And defendant-appellant pro se having moved for leave to be provided with a copy of the minutes of the proceedings to be used 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 denied, as unnecessary.

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 22, 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-4183
Ind. No. 1360/09

Vaselios Giamagas,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 25, 2010,

And defendant-appellant having moved for an order directing the People to provide to defendant a copy of the record on appeal and the minutes of the proceedings therein for prosecution 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, as unnecessary.

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 22, 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-4055
Ind. No. 162/12

Serafin E. Colon,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 9, 2012 (M-3801) 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 July 18, 2012, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
167 LLC,
Petitioner-Respondent,

-against-

M-3834
Index No. 570683/11

Nicolae Calinescu,
Respondent-Appellant.

-----X

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 March 26, 2013,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Gouchlyn L., **M-3982**
Petitioner-Appellant, Docket No. F-35956-11/11A

-against-

Kurt K.,
Respondent-Respondent.

Steven Banks, Esq.,
Attorney for the Child.
-----X

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

And an order of this Court having been entered on March 26, 2013 (M-681), denying petitioner-appellant's motion for reconsideration of a prior order of this Court entered on August 7, 2012 (M-2938) to the extent said order denied assignment of counsel,

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal as a poor person and for the 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 deemed one for reargument of the order of this Court entered on March 26, 2013 (M-681) and, sua sponte, the motion is denied in its entirety 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 October 22, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Milton Eke,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant,

M-4524
Index No. 118873/01

The Triborough Bridge and
Tunnel Authority,
Defendant-Appellant.

-----X

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

And plaintiff-respondent having moved for dismissal of the aforesaid appeal as untimely taken, or in the alternative, to strike certain portions of the brief, and for an enlargement of time to submit a respondent's brief and a supplemental appendix, and for related relief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the January 2014 Term. So much of the motion seeking permission to file a supplemental appendix and respondent's brief is granted on condition said appendix and brief are filed on or before December 4, 2013 for said January 2014 Term and otherwise denied without prejudice to respondent addressing issues directly on appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

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

-----X
Board of Managers of the Shorehaven
Condominium,
Plaintiff-Respondent,

-against-

Hector Pina, et al.,
Defendants,

Amit Louzan,
Non-Party Appellant.

M-3693
M-3965
Index No. 307210/08

-----X
Non-party appellant having moved for reargument of the decision and order of this Court entered on June 13, 2013 (Appeal No. 10384N) [M-3693],

And Ronald Francis, Esq., attorney for plaintiff-respondent, having cross-moved for leave to withdraw as said counsel, and for a stay so that plaintiff-respondent may retain new counsel [M-3965],

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 non-party appellant's motion is denied [M-3693]. The cross motion is granted only to the extent of permitting Ronald Francis, Esq., to withdraw as counsel, and is otherwise denied [M-3965].

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 22, 2013.

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

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

Mahmud G.,
Petitioner-Appellant,

M-3744
Docket No. V-2202-05/13E

-against-

Christine A. A.,
Respondent-Respondent.

Steven Banks, Esq.,
Attorney for the Child.

-----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 April 26, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

the cost thereof to be charged against the City of New York from funds available 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 22, 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-3266
Ind. No. 2537/95

Michael Nieves,
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, entered on or about April 17, 2013, **denying resentence**, and from the order of said Court entered on or about June 3, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal(s) to be heard upon 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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(s). The time within which appellant shall perfect the appeal(s) 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 22, 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-3562

Ind. No. 494/76

Leon Hutchinson,
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 (Clott, J.) entered on or about May 28, 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 Clott as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

CORRECTED ORDER - March 10, 2014

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 22, 2013.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Marisol R.,
Petitioner-Appellant,

-against-

M-3549
Docket No. O-19148/12

Atai T.,
Respondent-Respondent.

The Children's Law Center,
Attorney for the Child.

-----X
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 8, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. **Sua sponte, the time to perfect appeal enlarged to the September 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 22, 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-

Jose Blanco,
Defendant-Appellant.

M-3776
Ind. Nos. 1051/11
4295/10

-----X

An order of this Court having been entered on August 18, 2011 (M-2717), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2011, under Indictment No. 1051/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 4295/10,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 1051/11 and 4295/10, 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 22, 2013.

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

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

-against-

M-3404
Ind. No. 1781/10

Euniya Morales,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of the Supreme Court, Bronx County, entered on or about May 13, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

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

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

-against-

M-3476
Ind. No. 356/09

Allen DeWitt,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 14, 2012 (M-180), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 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

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,

M-3868
Ind. No. 9755/99

-against-

CERTIFICATE
GRANTING LEAVE

Ranfis Perez,
Defendant-Appellant.
-----X

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 June 26, 2013.¹

Dated: October 3, 2013
New York, New York

Entered: October 22, 2013



Hon. Rolando T. Acosta
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.

¹In 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.

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-2905
Bronx Co.
Indictment No.
227/92

-against-

Kevin Cheeks A/K/A Kevin Cheek
A/K/A Kevin Check,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 22, 2013, as expanded by the order of the same court entered on or about May 11, 2009, is hereby denied.

Dated: New York, New York

Entered: October 22, 2013


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-2906
Bronx Co.
Indictment No.
4024/88

-against-

CERTIFICATE
DENYING LEAVE

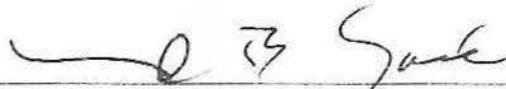
Carlos Alomar,

Defendant.

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

Dated: New York, New York

Entered: October 22, 2013


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-3033
Bronx Co.
Indictment No.
3018/95

-against-

CERTIFICATE
DENYING LEAVE

Garnet Marshall,

Defendant.
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 19, 2013, is hereby denied.

Dated: New York, New York

Entered: October 22, 2013


Justice of the Appellate Division

PM ORDERS

ENTERED ON

OCTOBER 22, 2013

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Brett Rainer,
Plaintiff-Respondent,

-against-

M-4158A
M-4485A
Index No. 109566/07

Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Defendants-Appellants.

-----X
Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Third-Party Plaintiffs-Appellants,

Third-Party

Index No. 590325/08

-against-

Woodworks Construction Company, Inc.,
Third-Party Defendant.

-----X
Gray-Line Development Co., LLC, Gray-Line Development Co., Inc., Macklowe Properties, L.P., Thatch Ripley & Co., Inc. and Gotham Construction Company, LLC,
Second Third-Party Plaintiffs-Appellants,

Second Third-Party

Index No. 590112/10

-against-

Sorbara Construction Corporation,
Second Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 9, 2012, and defendants-appellants, Gray-Line Development Co., LLC, et al., having perfected their appeal,

And second third-party plaintiff/co-appellant, Gotham Construction Company, LLC, having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 9, 2012 (mot. seq. no. 003) [M-4158A],

And second third-party plaintiff/co-appellant, Gotham Construction Company, LLC, having moved separately for an enlargement of time to perfect the aforesaid appeal [M-4485A],

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

It is ordered that the motion to stay the trial is denied [M-4158A]. The motion seeking an enlargement of time to perfect the appeal is granted to the extent of enlarging the time to perfect the appeal to the February 2014 Term [M-4485A]. Sua sponte, the perfected appeal by Gray-Line Development Co., LLC, et al., is adjourned to said February 2014 Term. The order of this Court (M-4158/M-4485), entered on October 3, 2013, is hereby recalled and 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 22, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Irv Tregerman DDS,
Plaintiff-Appellant-Respondent,

-against-

M-5080
Index No. 650969/10

Neal Auerbach DDS,
Defendant-Respondent-Appellant.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about June 13, 2012, August 15, 2012 from the judgment of said Court and Justice entered on or about August 29, 2012, and said appeals having been perfected,

And defendant having taken a cross appeal from said Court from the order of said Court entered on or about August 15, 2012,

And plaintiff having moved for dismissal of defendant's cross appeal for failure to share the costs of the joint record on appeal,

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

It is ordered that the motion is denied, with costs in connection with the record on appeal to abide the event.

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 18, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
In the Matter of the Application of
Rafael Astacio,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-5098A
of the CPLR, Index No. 101233/13

-against-

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

An order of a Justice of this Court having been entered on October 18, 2013 (M-5098), granting leave to appeal to this Court from the order of Supreme Court, New York County, entered on or about October 4, 2013, which continued, pending hearing and determination of the proceeding, a certain temporary restraining order issued on or about September 6, 2013,

And respondents-appellants having moved for a stay of the injunctive relief granted in the aforesaid order entered on or about October 4, 2013, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of staying the injunctive relief afforded in the aforesaid order of Supreme Court, New York County, entered on or about October 4, 2013 and directing respondents-appellants to perfect the appeal on or before December 2, 2013 for the February 2014 Term.

All concur except Acosta, J. and Saxe, J., who would deny the motion. (See M-5098, decided simultaneously herewith.)

ENTER:


CLERK