

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 29, 2013.

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

-----X
Michael Felsher,

Plaintiff-Respondent,

-against-

Gary Felsher, et al.,

Defendants-Appellants.
-----X

M-4008
Index No. 159124/12

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 11, 2013 (mot. seq. no. 002),

And defendants-appellants having moved for a stay of the aforesaid order appealed,

Now, upon reading and filing the stipulation of the parties hereto, dated August 12, 2013, and due deliberation having been had thereon,

It is ordered that the motion and appeal are withdrawn in accordance with the aforesaid stipulation.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 29, 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-

Eduardo Mendez, also known as Francisco Sanchez,
Defendant-Appellant.

M-3707
Ind. Nos. 7592/92
1982N/08

-----X

An appeal having been taken from a judgment of **resentence** the Supreme Court, New York County, both rendered on or about November 10, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated June 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 29, 2013.

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

-----X
The People of the State of New York
ex rel. Anthony Criscuolo,
Relator-Appellant,

-against-

M-4036
Index No. 260610/13

New York City Department of Corrections,
Dora Shapiro, etc., et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about July 31, 2013,

And relator-appellant having moved for bail pending appeal and for related 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 appeal is withdrawn and 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 29, 2013.

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

-----X
Valley National Bank, as successor-in-
interest to The Park Avenue Bank,
Plaintiff-Appellant,

-against-

M-3976
Index No. 600097/10

Timothy White 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 January 12, 2012 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated July 23, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 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 29, 2013.

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

-----X
Michael Hunt,

Plaintiff-Appellant,

-against-

Frank Battaglia, et al.,

Defendants-Respondents.
-----X

M-4616
Index No. 109654/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 14, 2011 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed September 10, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 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 29, 2013.

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

-----X
Hui Dao Zhu,
Plaintiff-Respondent,

-against-

M-4406
Index No. 400281/07

New York City Transit Authority, Manhattan
and Bronx Surface Transit Authority and
Frank P. Papas,
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 10, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 22, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----X
Vital Spark Foundation, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-4407
Index No. 650415/12

North American Globex Fund, L.P., et al.,
Defendants,

Strategic Asset Management, LLC,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 7, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 22, 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 29, 2013.

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

-----X
Lindsey Kupferman Nederlander,

Plaintiff-Respondent,

-against-

Eric Nederlander,

Defendant-Appellant.
-----X

M-4155
Index No. 350510/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 30, 2012,

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 September 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 29, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

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

-against-

M-3752
Ind. No. 534/10

Alexander Villegas,
Defendant-Appellant.

-----X

Defendant having renewed his 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 July 27, 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 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 29, 2013.

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

-----X
In the Matter of

Imani W.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

- - - - -
Administration for Children's Services, M-3866
Petitioner-Respondent, Docket No. NN-21799/12

Hilrett S.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, New York County, entered on or about February 26, 2013, and from the Order of Disposition of said Court entered on or about June 7, 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, 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.**

ENTER:


CLERK

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

CORRECTED ORDER - January 31, 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 29, 2013.

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

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

Eric Javier N.,
Edgardo Yadiel N., and
Eveliz Yanet N., also known as
Frances N.,

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

M-3843
Docket Nos. B-4790/12
B-4791/12
B-4792/12

Episcopal Social Services, et al.,
Petitioners-Respondents,

Edwin N.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, **Bronx** County, entered on or about May 10, 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

CORRECTED ORDER - January 31, 2014

(M-3843)

-2-

October 29, 2013

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 29, 2013.

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

-----X
In the Matter of

Corey McN.,

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

- - - - -

Edwin Gould Services for Children
and Families and the Administration
for Children's Services,
Petitioners-Respondents,

M-3946
Docket Nos. B-25566/07
NN-5421/06

Randy McN.,
Respondent-Appellant.

- - - - -

Steven N. Feinman, Esq.,
Attorney for the Child.

-----X

Lisa M. Licata, Esq., Family Court attorney for respondent-child Corey McN., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 1, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, 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 respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned 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 29, 2013.

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

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

Nutenti A., M-4206
Petitioner-Respondent, Docket No. O-34928/12

-against-

Lizbeth H.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Protection of the Family Court, New York County, entered on or about August 6, 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, Leslie L. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11698, Telephone No. 516-994-6831, 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.** (See M-4367, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

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

Nutenti A.,
Petitioner-Respondent,

M-4367
Docket No. 0-34928/12

-against-

Lizbeth H.,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the Order of Protection of the Family Court, New York County, entered on or about August 6, 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 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 respondent-appellant and 8 copies thereof are filed with this Court. (See M-4206, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----X
In the Matter of

Stephanie M.,

A Child Under 18 Years of Age Alleged to be Neglected and/or Abused Under Article 10 of the Family Court Act.

- - - - -
Commissioner of Social Services of the City of New York,
Petitioner-Respondent,

M-4308
Docket No. NN-14635/12

Miguel R.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the Order of Fact-Finding of the Family Court, New York County, entered on or about April 4, 2013, and from the Order of Disposition of said Court entered on or about July 8, 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, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. 212-972-5430, 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.

CORRECTED ORDER - November 18, 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 29, 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-4532
Ind. No. 907/12

Kotema Noble, also known as Kotema B.
Noble,
Defendant-Appellant.

-----X

Defendant having renewed his 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 March 14, 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 29, 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-

Horace O. Nolan,
Defendant-Appellant.

M-4598
Ind. Nos. 5264/10
175/11

-----X

An order of this Court having been entered on December 20, 2012 (M-4059), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 14, 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 29, 2013.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4385
Ind. No. 1819/11

Jason Diaz,
Defendant-Appellant.

-----X

Defendant having renewed the 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 March 21, 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, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Howard Greenberg, 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 29, 2013.

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

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

Tiara J., also known as
Tiara E. A. J.,

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

- - - - -
Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

M-4325
Docket No. B-3758/11

Tamika J.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on August 20, 2013 (M-3190), granting respondent-appellant, Tamika J., leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about June 4, 2014, and assigning Geoffrey P. Bermman, Esq., as counsel on the appeal,

And Jay A. Maller, Esq., Family Court attorney for the above-named respondent-appellant, Tamika J., having moved on said respondent-appellant's behalf for an order expanding the

aforesaid order of this Court entered on August 20, 2013 (M-3190) to encompass the order of the Family Court, New York County, entered on or about August 2, 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, and pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Ave., #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, is assigned as counsel for purposes of prosecuting the appeal taken from the aforesaid orders entered on or about June 4, 2013 and on or about August 2, 2013, and the relief previously granted is continued.

The Clerk of the Family Court is directed to have transcribed any minutes of the proceedings with respect to the aforesaid order entered on or about August 2, 2013 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;** and permitting respondent-appellant to dispense with any fee for the transfer of said record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and 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 29, 2013.

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

-----X

Bovis Lend Lease (LMB), Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-3456
M-3464

Lower Manhattan Development Corp.
Defendant-Respondent-Appellant.

Index No. 603243/09

- - - - -

The Associated General Contractors
of New York State, LLC,
Proposed Amicus Curiae.

-----X

Plaintiff-appellant-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 May 28, 2013 (Appeal Nos. 9421-9421A) [M-3456],

And The Associated General Contractors of New York State, LLC having moved for leave to appear amicus curiae in connection with the aforesaid motion, and for the aforesaid relief [M-3464],

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 by plaintiff-appellant-respondent seeking reargument or leave to appeal to the Court of Appeals is denied [M-3456]. The motion by proposed amicus curiae seeking leave to appear as such in connection with the aforesaid motion is granted [M-3464].

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 29, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Paul G. Feinman, Justices.

-----X

Horizon Asset Management, LLC, etc.,
Plaintiff-Respondent-Appellant,

-against-

M-3356
Index No. 602509/08

Raymond V. Duffy, etc.,
Defendant/Counterclaim
Plaintiff-Appellant-Respondent,

-against-

Murray Stahl, et al.,
Counterclaim Defendants-
Respondents-Appellants.

-----X

Plaintiff-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 23, 2013 (Appeal No. 10168-10169),

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 29, 2013.

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

-----X
Renee Sall,
Plaintiff-Respondent,

-against-

M-4317
Index No. 107356/09

Charles E. Moore, also known as
Charles Moore, et al.,
Defendants,

Paula Moore,
Defendant-Appellant.

-----X

Defendant-appellant Paula Moore having moved pursuant to CPLR 5704(a) to stay all proceedings including but not limited to eviction proceedings, as well as all ancillary proceedings, and for related affirmative relief denied by Supreme Court, New York County, on April 23, 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 29, 2013.

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

-----x

Martin H. Levenslick,

Plaintiff-Appellant,

-against-

M-4593
Index No. 350601/03

Joanna Levenslick,

Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 27, 2013 (mot. seq. no. 015),

And plaintiff-appellant pro se having moved for a stay of a certain portion of the order 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.

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 29, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Maria Gonzales, et al.,
Petitioners-Respondents,

-against-

Ihay Zinner, et al.,
Respondents,

Department of Housing Preservation
and Development,
Respondent-Respondent,

M-4208
Index Nos. 101037/06
570261/07

Esquire Group Estates, LLC,
Respondent-Intervenor-Appellant.

-----X
Elisa Vazquez, et al.,
Petitioner,

-against-

Ihay Zinner, et al.,
Respondents,

Vintage Ventures, LLC,
Respondent-Intervenor-Appellant.

-----X

Respondents-intervenors-appellants Esquire Group Estates, LLC, and Vintage Ventures, LLC, having moved for an extension of time to file a motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 27, 2012 (Appeal No. 8626), and for this Court to grant said leave to appeal to the Court of 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 deeming said motion one for leave to appeal to the Court of Appeals timely and upon due consideration the motion for leave to appeal to the Court of Appeals is denied.

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 29, 2013.

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

-----X

In re 20 Fifth Avenue, LLC,

Petitioner-Respondent,

-against-

M-4431

Index No. 109920/11

New York State Division of Housing
and Community Renewal, et al.,

Respondents-Appellants.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 23, 2013 (Appeal No. 10094),

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 29, 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
Peter Principe,
Petitioner-Respondent,

For a Judgment Confirming an
Arbitration Award Under Article 75
of the Civil Practice Law and Rules,

M-4533
M-4535
Index No. 150950/13

-against-

New York City Department of
Education,
Respondent-Appellant.

-----X
In the Matter of the Application of
The Board of Education of the City
School District of the City of New
York,
Petitioner-Appellant,

Index No. 450285/13

For a Judgment and Order Pursuant
to Article 75 of the Civil Practice
Law and Rules,

-against-

Peter Principe,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 15, 2013, with respect to both of the aforecaptioned proceedings,

And petitioner-respondent Peter Principe (under Index No. 150950/13) having moved for an order vacating the automatic stay afforded respondent-appellant pursuant to CPLR 5519(a)(1) [M-4533],

And Peter Principe as respondent-respondent (under Index No. 450285/13) having moved for the same relief [M-4535],

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 to the extent of vacating the CPLR 5519(a)(1) stay unless respondent/petitioner-appellant perfects their appeal on or before December 2, 2013 for the February 2014 Term with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that petitioner-respondent/respondent serves a copy of this order upon respondent/petitioner-appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----x
David Trolman,
Plaintiff-Appellant,

-against-

M-4449
Index No. 651212/12

Trolman, Glaser & Lichtman, P.C.,
et al.,
Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about December 13, 2012 and July 11, 2013 (mot. seq. nos. 001, 002), respectively; and an appeal having been taken to this Court by plaintiff from the order and judgment of said Court entered on or about August 23, 2013,

And plaintiff-appellant having moved for a stay of the order and judgment entered on or about August 23, 2013 pending hearing and determination of the appeals, for an enlargement of time to perfect the appeals, and for consolidation of all the appeals,

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

It is ordered that the motion is granted, the enforcement of the order and judgment entered on or about August 23, 2013 is stayed pending hearing and determination of the appeals, the appeals are consolidated upon 9 copies of one record and one set of appellant's points covering the appeals, and plaintiff-appellant is directed to perfect same on or before December 2, 2013 for 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 29, 2013.

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

-----X
Riverbay Corporation,

Plaintiff-Respondent,

-against-

M-4481

Index No. 301509/13

Thyssenkrupp Northern Elevator Corporation and Thyssenkrupp Elevator Corporation,

Defendants-Appellants,

Ver-Tech Elevator Co.,

Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 13, 2013,

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

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----X

Daniel Purcell, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Metlife Inc., et al.,
Defendants-Respondents,

Brause Realty Inc.,
Defendant.

M-4215
M-4530
Index Nos. 113495/09
590061/10
590282/11

Metlife Inc., et al.,
Third-Party Plaintiffs-Respondents,

-against-

North Eastern Fabricators, Inc.,
Third-Party Defendant-Appellant-
Respondent.

{And a Second Third-Party Action}

-----X

Third-party defendant-appellant-respondent North Eastern Fabricators, Inc. having moved for leave to appeal to the Court of Appeals from or reargument of the decision and order of this Court entered on July 2, 2013 (Appeal No. 10536) [M-4215],

And plaintiffs-respondents-appellants having cross-moved for the aforesaid relief [M-4530],

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

It is ordered that the motion and cross motion are denied [M-4215/M-4530].

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 29, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Bernarda Perez and Ivelisse Perez-Ali
as Administrators of the Estate of
Victor Farfan,
Plaintiffs-Respondents,

-against-

M-3881
Index No. 105293/09

Keith Edwards, M.D.,
Defendant-Appellant,

Mount Vernon Hospital,
Defendant.

-----X

Plaintiffs-respondents 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 June 20, 2013 (Appeal No. 10426),

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 29, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
New Hampshire Insurance Company,
et al.,
Plaintiffs-Appellants,

-against-

M-4269
M-4471

MF Global, Inc.,
Defendant-Respondent,

Index No. 601621/09

- - - - -
The Surety & Fidelity Association
of America,
Proposed Amicus Curiae.

-----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 July 16, 2013 (Appeal Nos. 9736, 9737, 9738, 9739 & 9740) [M-4269],

And The Surety & Fidelity Association of America having moved for leave to file a memorandum of law amicus curiae in connection with the aforesaid motion [M-4471],

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 seeking reargument or leave to appeal to the Court of Appeals is denied [M-4269]. The motion seeking leave to file a memorandum of law amicus curiae in support of the motion is granted, and the proposed amicus curiae memorandum submitted with the moving papers is deemed filed [M-4471].

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 29, 2013.

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

-----x
Carlos Puello, as Administrator of the Estate of Christina Sanchez, deceased, etc., et al.,

Plaintiffs-Appellants,

-against-

M-4689
Index No. 13940/98

The City of New York, et al.,

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 November 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 29, 2013.

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

-----X

Brian K. Williams,
Plaintiff-Respondent,

-against-

M-4837
Index No. 8006/07

Irina Belova,
Defendant,

-and-

America's Wholesale Lender,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 6, 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 29, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

In re Robert J. Troeller, etc.,
Petitioner-Appellant,

-against-

M-3688

M-3713

New York City Department of
Education, et al.,
Respondents-Respondents,

Index No. 113097/11

Temco Service Industries, Inc.,
An Additional Party.

-----X

Respondents-respondents 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 June 13, 2013 (M-3688) (Appeal No. 10371),

And additional party Temco Service Industries, Inc. having moved separately for the aforesaid relief (M-3713),

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 29, 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
Elizabeth Rossi,
Petitioner-Respondent,

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

-against-

M-3791
M-5108
Index No. 100562/13

The New York City Department of
Health and Mental Hygiene,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Supreme Court, New York County, entered on or about July 9, 2013 (M-3791),

And respondent-appellant having moved to withdraw the aforesaid motion (M-5108),

Now, upon reading and filing the papers with respect to the motions, and the motion filed by counsel for respondent-appellant dated October 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion (M-5108) is granted and motion (M-3791) is withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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
Danny Rossi,
Petitioner-Respondent,

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

-against-

M-3785
M-5111
Index No. 100565/13

The New York City Department of
Health and Mental Hygiene,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Supreme Court, New York County, entered on or about July 9, 2013 (M-3795),

And respondent-appellant having moved to withdraw the aforesaid motion (M-5111),

Now, upon reading and filing the papers with respect to the motions, and the motion filed by counsel for respondent-appellant dated October 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion (M-5111) is granted and motion (M-3785) is withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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
Richard Rivera,
Petitioner-Respondent,

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

-against-

M-3799
M-5109
Index No. 100563/13

The New York City Department of
Health and Mental Hygiene,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Supreme Court, New York County, entered on or about July 9, 2013 (M-3799),

And respondent-appellant having moved to withdraw the aforesaid motion (M-5109),

Now, upon reading and filing the papers with respect to the motions, and the motion filed by counsel for respondent-appellant dated October 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion (M-5109) is granted and motion (M-3799) is withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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
Rebah Belkebir,
Petitioner-Respondent,

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

-against-

M-3801
M-5110
Index No. 100564/13

The New York City Department of
Health and Mental Hygiene,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Supreme Court, New York County, entered on or about July 9, 2013 (M-3801),

And respondent-appellant having moved to withdraw the aforesaid motion (M-5110),

Now, upon reading and filing the papers with respect to the motion, and the motion filed by counsel for respondent-appellant dated October 3, 2013, and due deliberation having been had thereon,

It is ordered that the motion (M-5110) is granted and motion (M-3801) is withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----X
Bill Bace,
Plaintiff-Appellant,

-against-

M-4506
Index No. 116757/02

Tai May Realty, Inc.,
Respondent-Respondent.
-----X

Plaintiff-appellant pro se having moved for a further enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 25, 2012,

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

It is ordered that the motion is denied and, sua sponte, 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 29, 2013.

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

-----X
Sutton Management Company,

Plaintiff-Respondent-Appellant,

-against-

M-4699
Index No. 603560/09

Eli Hazan and E.M.H. Associates,
Inc.,

Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 24, 2012,

And plaintiff-respondent-appellant having moved for an enlargement of time to perfect their cross appeal from the aforesaid order,

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, sua sponte, the cross 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 29, 2013.

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

-----X

Megan Conway,

Petitioner-Appellant,

-against-

M-4301

Index No. 101609/12

Hudson River Park Trust,

Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from order of the Supreme Court, New York County, entered on or about June 21, 2012, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 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-3740
Case No. 41513C/11

Esmilta Fernandez,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 11, 2012 (M-3734) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2012, and assigning The Bronx Defenders 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 The Bronx Defenders 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

CORRECTED ORDER - January 31, 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 29, 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 a Petition for
Visitation Under Article 6 of the
Family Court Act.

Ann D.,
Petitioner-Appellant,

M-3872

Docket Nos. V-14913-4/08
V-12252-4/09

-against-

David S.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from **orders** of the Family Court, New York County, entered on or about June 12, 2013 **and September 12, 2013**, and for assignment of counsel, a free copy of the transcript, to stay said order pending hearing and determination of the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the **appeals**; (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

CORRECTED ORDER - January 31, 2014

(M-3872)

-2-

October 29, 2013

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(s)** 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.** So much of the motion which seeks a stay is denied.

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 29, 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-4229
Ind. Nos. 1162N/05
63/02

Giovanni Corporan, also known as
Angel Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about November 14, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the 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 29, 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-4320
Ind. No. 5968N/11

Daniel Rivera,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 28, 2012 (M-2519), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 3, 2012, 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 29, 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-4311
Ind. No. 2602/11

Jesus Taveras, also known as
Jesus Cepin Tavares,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 15, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 29, 2013.

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

-----X
In the Matter of

Vivienne Bobbi-Hadiya S.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

M-4567
Docket No. NA-6061/11

Makena Asanta Malika McK.,
Respondent-Appellant,

Charles Bernard S.,
Respondent-Appellant.

- - - - -

Margaret Tarvin, Esq., Lawyers for
Children,
Attorney for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the Order of Fact-Finding of the Family Court, New York County, entered on or about November 4, 2011, 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, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No. 212-818-9019, 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 29, 2013.

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

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

-against-

M-4424
Ind. No. 4006N/12

Fernandez Frias, also known as
Elvis Fernandez Frias,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Teles Foro Del Valle, Esq., as well as 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 29, 2013.

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

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

-against-

Damon Flagg,
Defendant-Appellant.

M-4360
Ind. Nos. 4892N/11
4689N/10
5588N/10

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 14, 2012, and for related relief,

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

It is ordered that the motion is 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 29, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----x
36 East 57th Street LLC,

Plaintiff-Respondent,

-against-

Simon Falic,

Defendant-Appellant.
-----x

M-4982
Index No. 652203/11

Defendant-appellant 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 December 16, 2012,

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

It is ordered that the motion is 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 29, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----x
Jesse McCutchen, Jr.,

Plaintiff-Appellant,

-against-

M-4831
Index No. 100101/12

The City of New York,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 27, 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 on or before December 30, 2013 for the March 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 29, 2013.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Ming Tung, et al.,
Petitioners-Respondents,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4690
Index No. 110149/11

China Buddhist Association, Mew Fung
Chen, Ming Yee, and Chih-Chen Ma,
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 31, 2012, and said appeal having been perfected,

And petitioners-respondents having moved for leave to replace the respondents' brief with the corrected copy of the brief,

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 petitioners-respondents to serve and file a corrected copy of the respondents' brief, together with a page by page ledger of the alterations made to the original brief, on or before November 4, 2013 for the January 2014 Term, to which Term the appeal is adjourned.

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 29, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x
Adnan Abu Ayyash,
Plaintiff-Petitioner-Appellant,

-against-

Rana Abdul Rahim Koleilat,
Defendant-Judgment Debtor.

M-5076
Index No. 151471/12

- - - - -
Banco Bradesco, S.A., et al.,
Non-Party Respondents.

- - - - -
Institute of International Bankers,
et al.,
Amici Curiae.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about October 22, 2012, and said appeal having been perfected,

And the Institute of International Bankers, the Clearing House Association, the European Banking Federation and the New York Bankers Association having moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file an additional eight copies of their brief amici curiae forthwith. Sua sponte, the time to file appellant's reply brief is enlarged to on or before November 13, 2013 for the December 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 29, 2013.

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

-----x
Deutsche Bank National Trust Company,
etc., et al.,
Plaintiff-Respondent,

-against-

Michelle A. Ned,
Defendant-Appellant,

M-4613
Index No. 380173/08

-and-

Impac Funding Corporaton, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 21, 2012,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before December 2, 2013 for the February 2014 Term, and the stay granted by the order of this Court entered on August 20, 2013 (M-3635) is continued pending hearing and determination of the appeal, on condition the appeal is so perfected.

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 29, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In re Elaine Rivera,
Petitioner-Respondent,

-against-

M-4418
Index No. 401373/11

New York City Housing Authority,
Respondent-Appellant.

-----X

Petitioner-respondent, pro so, 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 June 4, 2013 (Appeal No. 10261), 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 29, 2013.

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

-----x
The People of the State of New York
ex rel. Rahmir Williams,
Petitioner-Appellant,

-against-

M-4640
Index No. 340353/13

Warden, Rikers Island, et al.,
Respondents.

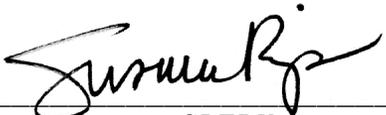
-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about May 1, 2013, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, 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 said motion is granted and it is directed that the appeal 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 Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. The motion, to the extent it seeks assignment of counsel, is denied.

ENTER:


CLERK

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-2443
Ind. No. 388/03

-against-

CERTIFICATE
DENYING LEAVE

Robisson Santos,

Defendant.

-----X

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

Dated: New York, New York
October 3, 2013



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

OCT 29 2013

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 4552
Ind. No. 2698/93

-against-

CERTIFICATE
DENYING LEAVE

OWEN SCULLY,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about July 18, 2013 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 26, 2013
New York, New York

ENTERED: OCT 29 2013

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 4583
Ind. No. 1857/2001
& 2359/2001

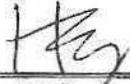
-against-

CERTIFICATE
DENYING LEAVE

WILLIE CASTRO a/k/a WILSON SANCHEZ
a/k/a LUDAMES DELACRUZ,

Defendant.
-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 August 5, 2013 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 24, 2013
New York, New York

ENTERED: OCT 29 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-4450
Ind. No. 1518/11

-against-

CERTIFICATE
DENYING LEAVE

Jamaluddin Almahdi,

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 July 24, 2013, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.


Associate Justice

Dated: October 2, 2013
New York, New York

ENTERED: **OCT 29 2013**

PM ORDERS

ENTERED ON

OCTOBER 29, 2013

CORRECTED ORDER - November 18, 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 29, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Orchard Hotel, LLC,
Plaintiff-Appellant,

-against-

D.A.B. Group, LLC,
Defendant-Respondent,

M-4952
Index No. 850044/11

Brooklyn Federal Savings Bank, et al.,
Defendants-Appellants,

-and-

Orchard Construction, LLC, etc.,
et al.,
Defendants.

-----X
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 28, 2013, and said appeal having been perfected,

And defendant-respondent D.A.B. Group, LLC having moved for an order striking Volumes IV, V, and VI of the joint record on appeal, for leave to strike portions of appellant's brief related thereto, and for other relief,

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

It is ordered that the motion is denied, without prejudice to defendant raising the aforesaid objections directly on appeal, and the appeal is to be maintained on this Court's calendar for the December 2013 Term. Sua sponte, the time to file a respondent's brief is enlarged to on or before November 7, 2013, and the appellant's reply brief is enlarged to on or before November 15, 2013 for said December 2013 Term.

ENTER:


CLERK