

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 September 3, 2013.

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

-----X

In the Matter of

Chastity Marie S.,

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

M-3183
Docket No. B-22550/09

- - - - -
Episcopal Social Services,
Petitioner-Respondent,

Amy Christina D.,
Respondent-Appellant.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 20, 2011,

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 3, 2013.

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

-----X
Mayra Jiminez,

Plaintiff-Respondent-Appellant,

-against-

M-3252X
Index No. 103864/07

New York City Transit Authority,

Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 20, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 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It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 September 3, 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,
ex rel. Manny Nunez,
Petitioner,

-against-

M-2883
Ind. No. 450855/13

Warden Cauty, Manhattan Detention
Center/Riker's Island (RNDC) or
any detention facility with custody,
Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 14, 2013, denying and dismissing petitioner's writ of Habeas Corpus,

And petitioner having moved for bail or release on his own recognizance pending the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated June 12, 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 September 3, 2013.

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

-----X
Frank Miraglia,
Petitioner-Appellant,

-against-

State Insurance Fund, et al.,
Defendants-Respondents.

M-3253X
Index No. 260631/10

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 8, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 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 September 3, 2013.

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

-----X
O'live Organic Spa LLC, et al.,

Plaintiffs-Respondents,

-against-

M-3212
Index No. 103226/12

Christos Realty Inc.,

Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 26, 2012 and March 19, 2013, respectively,

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 from the order entered on or about November 26, 2012, previously perfected for the June 2013 Term, and the appeal from the order entered on or about March 19, 2013, 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 September 3, 2013.

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

-----X
Itochu Corporation and Itochu
International Inc.,
Plaintiffs-Respondents,

-against-

M-3406
Index No. 650097/10

Siderar, S.A.I.C. and
Exiros AR, S.A.,
Defendants-Appellants.
-----X

An appeal having been taken from of the Supreme Court, New York County, entered on or about November 13, 2012 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated June 21, 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 September 3, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Marriott International, Inc.,
et al.,
Plaintiffs-Respondents,

M-2160
M-2161
M-2247

-against-

Index No. 653590/12

Eden Roc, LLP,
Defendant-Appellant.

-----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 March 26, 2013 (Appeal No. 9644N), and for other relief [M-2160],

And plaintiffs-respondents having separately moved, pursuant to CPLR 5519(c), for a stay of the aforesaid decision and order of this Court pending hearing and determination of their motion for reargument or leave to appeal to the Court of Appeals [M-2161],

And non-party movants Fairmont Raffles Hotel International, Inc., et al. (collectively "Hotel Management Company") having moved for leave to file a brief amici curiae in connection with the aforesaid motion for reargument or leave to appeal to the Court of Appeals [M-2247],

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 by plaintiff for reargument or leave to appeal to the Court of Appeals [M-2160] and for a stay [M-2161] are denied. The motion for leave to file a brief amici curiae in support of the motion [M-2160] for reargument or leave to appeal to the Court of Appeals [M-2247] is granted, and the brief amici curiae brief submitted with the moving papers herein is deemed filed and has been considered.

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 September 3, 2013.

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

-----X
Mt. Hawley Insurance Company,
Plaintiff-Appellant,

-against-

M-2815
Index No. 100812/09

Interstate Fire and Casualty Company,
Defendant-Respondent.

- - - - -
Daniel Gutowski,
Plaintiff,

-against-

Index No. 116634/05

GDM Hudson Laight Street, LLC, et al.,
Defendants,

48 Laight Street Associates, LLC,
Defendant-Respondent.

- - - - -
48 Laight Street Associates, LLC,
Third-Party Plaintiff-Respondent,

-against-

Index No. 591075/08

The Helix Group, Inc.,
Third-Party Defendant-Respondent.

-----X
Third-party defendant-respondent The Helix Group, Inc. 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 November 16, 2012 (Appeal No. 9725),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated June 19, 2013 from Goldberg Segalla LLP, counsel for third-party defendant-respondent, and due deliberation having been had thereon,

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

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 September 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-2930
Ind. No. 4634/96

John Aponte,
Defendant-Appellant.
-----X

Defendant-appellant, pro se, having moved for reargument/reconsideration of the decision and order of this Court entered on November 14, 2006 (Appeal No. 9534),

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 September 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-1662
Ind. No. 6249/07

Richard Brown,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 22, 2011 (Appeal No. 4579), unanimously affirming a judgment of the Supreme Court, New York County (Robert Stolz, J.), rendered on May 6, 2009,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X
Bonnie Gold, as Public Administrator
Bronx County for the Estate of Japhe C.
Tejeda, also known as Japhe Cecelip
Tejeda,
Plaintiff-Appellant,

-against-

St. Barnabas Hospital, Fanny Mantilla,
M.D., Vithal Vernenker, M.D., Vito
Lazo, M.D.,
Defendants-Respondents.

M-2680
M-2822
M-3038
M-3039
Index No. 15746/07

-----X

Defendant-respondent Vithal Vernenker, M.D. having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about April 16, 2012 (M-2680),

And defendants-respondents Fanny Mantilla, M.D. and Vito Lazo, M.D. having moved by a separate motion for the same relief (M-3039),

And St. Barnabas Hospital having cross-moved by 2 separate motions for the same relief (M-2822/M-3038),

Now, upon reading and filing the papers with respect to the motions and cross motions, including the correspondence of Garbarini & Scherr, P.C. (William D. Buckley, Esq. of counsel) dated May 29, 2013, and due deliberation having been had thereon,

It is ordered that the motions and cross motions are granted and the appeal is dismissed (M-2680/M-3038/M-3039). Motion M-2822 is deemed withdrawn in accordance with the aforesaid correspondence.

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 September 3, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Gregory J., Docket Nos. M-3125 V-29960/09
Petitioner-Respondent, V-30016/09
V-31418/09

-against-

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about January 28, 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 denied, with leave to renew upon submission of a notarized affidavit in compliance with CPLR 1101(a) setting forth the terms of the retainer agreement with counsel, if any, and the amounts and sources of funds for counsel's fees and an explanation why similar funds are not available to prosecute this appeal. (See M-2791 entered August 20, 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 September 3, 2013.

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

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

-against-

M-3222
Ind. No. 5539N/12

Wayne Stuart,
Defendant-Appellant.

-----X

Defendant, pro se, 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 March 26, 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.

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 September 3, 2013.

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

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

-against-

M-3196
Ind. No. 5711/11

Roberto Geron, also known as
Robert Geron,
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 December 11, 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, 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 September 3, 2013.

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

-----X
Airoberto Gonzalez, an infant under
the age of 16 years, by his mother
and natural guardian Reyna Gonzalez
and Reyna Gonzalez, Individually,
Plaintiffs-Respondents,

-against-

M-2899
Index No. 113454/09

SAFA Realty Associates and Mehran
Kohanim,
Defendants-Appellants.

-----X

Defendants-appellants 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 May 20, 2013,

Now, upon reading and filing the papers with respect to the motion and the correspondence from Armienti, DeBellis, Guglielmo & Rhoden, by Vanessa M. Corchia, Esq., of counsel, dated June 12, 2013, and due deliberation having been had thereon,

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

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 September 3, 2013.

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

-----X
Alec J. Megibow, M.D., etc.,
Plaintiff-Appellant,

-against-

M-3041
Index No. 115588/10

Caron.Org, etc., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2013 (Appeal No. 9803),

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 September 3, 2013.

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

-----x
Abe George, et al.,
Plaintiffs-Respondents,

-against-

Charles J. Hynes, et al.,
Defendants,

M-2959
Index No. 100730/13

-and-

CBS Broadcasting Inc.,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 24, 2013,

And defendant-appellant having moved for a stay of a certain preliminary injunction hearing pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Levine Sullivan Koch & Schulz, LLP (Seh D. Berlin, of counsel), counsel for defendant-appellant dated June 14, 2013, and due deliberation having been had thereon,

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

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 September 3, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Giuseppe D'Alessandro,
Plaintiff-Respondent,

-against-

M-2046
Index No. 100135/11

John Carro, John S. Carro, Bartly Mitchell, Dasil Elius Velez, Carro, Carro & Mitchell, LLP and Carro, Velez, Carro & Mitchell, LLP,
Defendants-Appellants.

-----X

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

And an order of this Court having been entered on February 28, 2013 (M-266), dismissing the aforesaid appeal, for failure to timely perfect,

And defendants-appellants having moved to vacate the aforesaid order of this Court entered on February 28, 2013 (M-266),

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 September 3, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Rosalyn H. Richter, Justices.

-----x
Edward S. McSpadden, et al.,
Plaintiffs-Respondents/Respondents, M-2786
M-2818
-against- Index No. 105357/07

Lexington Building Co., LLC, et al.,
Defendants-Appellants.
- - - - -
Lexington Building Company, LLC,
Third-Party Plaintiff-Appellants-
Respondents,
-against- Index No. 590537/07

Bulgari Retail U.S.A.-S.R.L.,
Third-Party Defendant-Respondents.
- - - - -
Richter & Ratner Contracting, Corp.,
Second Third-Party Plaintiff,
-against- Index No. 590861/07

Precision Glass & Metal Works
Company, Inc.,
Second Third-Party Defendant-
Respondent-Appellant.
- - - - -
Richter & Ratner Contracting Corp.,
Third Third-Party Plaintiff,
-against- Index No. 590129/09

Cord Contracting Co., Inc., et al.,
Third Third-Party Defendant.
- - - - -
[And other actions]

-----x
Appeals and cross appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about April 10, 2012 and March 25, 2013, respectively,

And defendant/third-party plaintiffs-appellants Lexington Building Co., LLC, et al. (M-2786) and third third-party/fourth third-party defendant-respondent Cord Contracting Co., Inc. (M-2818) having respectively moved for dismissal of the cross appeal taken by second third-party defendant Precision Glass & Metal Works Company, Inc., and for related relief,

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 dismissing so much of the cross appeal as was taken by second third-party defendant Precision Glass & Metal Works Company, Inc. from the aforesaid order of Supreme Court entered on or about April 10, 2012, and the motions are 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 September 3, 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-3265
Ind. No. 3808/06

Shawn Morrison,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 19, 2010,

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 January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3841
Ind. No. 2908/90

Eladio Lantigua,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about February 28, 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 January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Board of Managers of The 25 Charles
Street Condominium and 25 Charles Owners
Corporation,
Plaintiffs-Respondents,

-against-

M-3174
Index No. 111102/07

Celia Seligson,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument/
reconsideration of the decision and order of this Court entered
on March 21, 2013 (Appeal No. 6967),

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 September 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Nata Rob,
Plaintiff-Respondent,

-against-

Steve Cohen, et al.,
Defendants-Appellants.

M-2733
Index No. 403033/10

-----X

Plaintiff-respondent, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2013 (Appeal Nos. 8147-8148),

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 September 3, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Luis Amendola,
Plaintiff-Appellant,

-against-

Rheedlen 125th Street, LLC, et al.,
Defendants-Respondents,

M-2571

Index Nos. 102189/07
590190/08
590694/09

Hellman Construction Co., Inc.,
Defendant.

- - - - -

(And Third-Party Actions)

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 2, 2013 (Appeal No. 9694-9694A),

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 September 3, 2013.

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

-----X
Iona Freeman,
Plaintiff-Appellant, M-2898
-against- M-3065
M-3066
M-3068
Gregory Haber, M.D., et al., Index No. 800432/11
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 6, 2012 (mot. seq. nos. 001, 002),

And defendants-respondents Gregory Haber, M.D. (M-2898), Jonathan Cohen, M.D. (M-3065), Lenox Hill Hospital (M-3066) and Christopher J. Gosout M.D. (M-3068) having separately moved for dismissal of the aforesaid appeals,

Now, upon reading and filing the stipulation of the parties hereto, filed June 11, 2013, and due deliberation having been had thereon,

It is ordered that the aforesaid appeals and motions are 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 September 3, 2013.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X

Roy W. Lennox,

Plaintiff-Appellant,

-against-

M-1841

Index No. 309930/11

Joan E. Weberman,

Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2013 (Appeal Nos. 8577-8577A),

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, upon reargument, the decision and order of this Court entered on February 26, 2013 (Appeal Nos. 8577-8577A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 8577-8577A, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 September 3, 2013.

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

-----X
Billy Barnes,
Petitioner-Appellant,

-against-

M-3852
Index No. 401119/12

New York State Division of Human
Rights and Beth Israel Medical
Center,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 29, 2012, and said appeal having been perfected,

And petitioner-appellant pro se having moved for leave to include certain documents in the appendix 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 granted to the extent of granting petitioner leave to include those pages numbered A83 through A 105, inclusive, in the appendix on this appeal and, sua sponte, strike pages A50 and A51 of said appendix.

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 September 3, 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

Danieda R.,
Adonis R.,
Esniel R.,
and Daniela R.,

M-3760
Docket Nos. NA-51646-9/11

Dependent Children 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,

Daniel R.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division, Attorney for Children Daneida R., Adonis R., and Esniel R.,

Anna Schissel, Esq.,
Lawyers for Children, Attorney for Child Daniela.

-----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 May 4, 2013 and from two Orders of Disposition both entered on or about June 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, Randall Carmel, Esq., 53 Jackson Street, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X

Certain Underwriters at Lloyd's
London Subscribing to Policy
Number SYN- 1000263,
Plaintiffs-Respondents,

M-3601

M-3979

Index No. 600212/10

-against-

Lacher & Lovell-Taylor, P.C.,
and Michael A. Lacher,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 26, 2012 (mot. seq. no. 001), on or about October 9, 2012 (mot. seq. no. 003) and on or about March 13, 2013 (mot. seq. no. 004) respectively,

And defendants having moved to have this Court take judicial notice of two documents referred to in defendants' brief and annexed to their moving papers (M-3601),

And plaintiffs having cross-moved to strike the aforesaid references to the aforementioned documents in defendants' brief, and to strike certain documents in the record on appeal (M-3979),

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 defendants' motion is denied and any reference to the aforesaid material will not be considered (M-3601), and it is further

Ordered that plaintiffs' cross motion is denied, without prejudice to plaintiffs' raising argument concerning any materials in the record in its brief or at oral argument (M-3979).

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 September 3, 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-3854
Case No. 38370C/11

Pedro Sosa,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 26, 2012, and to continue the stay of execution of sentence granted by a Justice of this Court on August 9, 2012 (M-5508),

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 January 2014 Term.

The aforesaid stay of execution of sentence granted by a Justice of this Court on August 9, 2012 (M-5508) is continued on the same terms and conditions on condition the appeal is perfected for said January 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X
In the Matter of the Application of
Robert Grant,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75 of the Civil Practice Law and Rules, **M-3620**
Index No. 116402/10

-against-

New York City Board/Department of
Education,
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 1, 2011, and said appeal having been perfected,

And respondent-respondent having moved for an order dismissing the aforesaid appeal,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X

Aramid Entertainment
Fund Ltd., et al.,
Plaintiffs-Appellants,

-against-

M-3062
Index No. 651532/11

Wimbledon Financing Master
Fund, Ltd., et al.,
Defendants-Respondents,

Fortis Bank Cayman, Ltd., 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 April 30, 2013 (Appeal Nos. 9934-9935),

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 September 3, 2013.

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

-----X
Louis Raphael Najar Obregon, Individually
and as Administrator of the Estate of
Roberto Najar, Deceased,
Plaintiffs-Appellants,

-against-

M-3234
Index No. 10782/08

The New York and Presbyterian Hospital,
Igor Ougorets, M.D. and Soumitra R.
Eachempati, M.D.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 20, 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 September 3, 2013.

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

-----X
Raquel Velez,
Plaintiff-Appellant,

-against-

M-3408
Index No. 307549/08

Wainwright Smith and All Family
Transportation, Inc.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 11, 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 September 3, 2013.

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

-----X
Michael Torres,
Plaintiff-Appellant,

-against-

M-3409
Index No. 305023/10

NYLL Management, Ltd. and Juan F.
Urena,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 30, 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 September 3, 2013.

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

-----x
Kimi C. Puntillo,
Plaintiff-Appellant,

-against-

M-3405
Index No. 600546/10

Anthony Daniele,
Defendant-Respondent.
-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 28, 2011,

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X
Samaad Bishop,
Plaintiff-Appellant,

-against-

M-3262
Index No. 250742/11

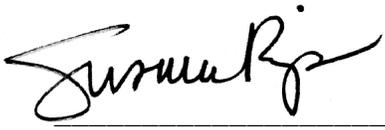
Henry Modell & Company, Inc.,
et al.,
Defendants-Respondents,
-----X

Plaintiff-appellant, pro se, having moved for an enlargement to time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 23, 2012, for leave to prosecute, as a poor person, the aforesaid appeal, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record and enlarging the time to perfect the appeal to on or before November 4, 2013 for the January 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2013.

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

-----X
Julio Justino and Jessica Abreau,
Plaintiffs-Respondents,

-against-

M-3146
Index No. 306404/11

Juan Santiago, John Doe, Jane Doe,
Doucaure Boubou, Mariam Et Alassane
Car Service Inc.,
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for dismissal of the appeals taken from an order of the Supreme Court, Bronx County, entered on or about October 1, 2012, and from an order of the same Court and Justice entered on or about March 14, 2013, respectively,

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

It is ordered that the motion is granted to the extent of deeming the appeal from the order entered on or about October 1, 2012, withdrawn pursuant to notices from counsel dated June 21, 2013 and dismissing the appeal from the order entered on or about March 14, 2013 as untimely taken (CPLR 5513[a]).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3289
Ind. No. 3928/11

Jesse Hunt,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 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 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 September 3, 2013.

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

-----X
Nekeima Hampton,
Respondent,

-against-

M-3143
Index No. 300008/09

Pacla Apartments, Inc., Park Lane
Residence Co. and Grenadier Realty
Corp.,
Defendants-Appellants.

-----X

Defendants-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 September 19, 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 as unnecessary (Rule 600.11[a][3]).

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 September 3, 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-3299
Ind. No. 6768N/02

Salvador Agustin, also known as
Salvadore Augustine,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, entered on or about June 14, 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 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, 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 resentence. 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 September 3, 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-3373
Ind. No. 8230/99

Lerone Grant,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 11, 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 with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. 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 September 3, 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

Isaiha M. and Semaje G.-M.,

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

M-3384

Docket Nos. NN13426/12
NN13427/12

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about 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 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 September 3, 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-3348

Ind. No. 5819/10

Soma Sengupta,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 27, 2013,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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,

-against-
Kenneth Robinson,
Defendant.

M-3397
Ind. No. 1210/06

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 10, 2008,

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

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-3470
Ind. No. 4139/2006

-against-

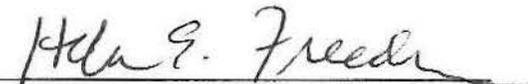
CERTIFICATE
DENYING LEAVE

Starlin Nunez,

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 Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 8, 2013 is hereby denied.


Hon. Helen E. Freedman
Associate Justice

Dated: July 16, 2013
New York, New York

ENTERED: **SEP 3 2013**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

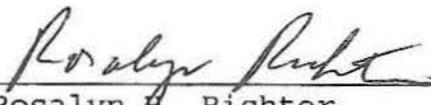
Jose Delaespada,

Defendant.
-----X

M-3422
Ind. No. 2550/11

CERTIFICATE
DENYING LEAVE

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 January 30, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: July 24, 2013
New York, New York

ENTERED: **SEP 3 2013**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

Wilbur Diggs,
Defendant.

M-3426
Ind. No. 4678/05

CERTIFICATE
DENYING LEAVE

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 April 25, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 5, 2013
New York, New York

ENTERED: **SEP 3 2013**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

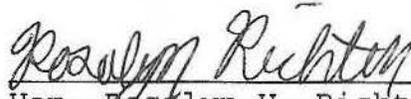
Jose Urena,
Defendant.

-----X

M-3313
Ind. No. 6807/89

CERTIFICATE
DENYING LEAVE

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 June 22, 2012, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 5, 2013
New York, New York

ENTERED: **SEP 3 2013**

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-3593
Ind. No. 2314/10

-against-

Pedro Jimenez,
Defendant.

ORDER DENYING ROR OR
BAIL AFTER APPEAL TAKEN

-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of conviction of the Supreme Court, New York County, rendered on September 12, 2011, and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence pending hearing and determination of the aforesaid appeal or in the alternative for an order releasing him on his recognizance or upon the fixing of bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: August 5, 2013
New York, New York



Hon. Rosalyn H. Richter
Justice of the Appellate Division

ENTERED: **SEP 3 2013**

PM ORDERS
ENTERED ON
SEPTEMBER 3,
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 September 3, 2013.

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

-----x

Vital Realty LLC,

Plaintiff-Respondent,

-against-

M-3824

Index No. 651064/12

Greenwich Insurance Company, et al.,

Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 13, 2012, and said appeal having been perfected,

And defendants-appellants having moved for a stay of pre-trial proceedings pending hearing and determination of the appeal and the instant motion,

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 September 3, 2013.

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

-----x
Gama Aviation, Inc., et al.,
Plaintiffs-Appellants,

-against-

Sandton Capital Partners, L.P., et al.,
Defendants-Respondents.

- - - - -

KB Acquisitions, LLC,
Counterclaim Plaintiff-Respondent,

M-3863
Index No. 651710/10

-against-

Gama Aviation, Inc., et al.,
Counterclaim Defendants-Appellants,

-and-

Gama Holdings Limited,
Additional Counterclaim Defendant-
Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 18, 2013,

And plaintiffs/counterclaim defendants-appellants having moved for a stay of enforcement and execution of the order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted only to the extent of continuing the interim stay granted by the order of a Justice of this Court dated July 23, 2013, on condition the appeal be perfected on or before September 30, 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 September 3, 2013.

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

-----x

Tim F. Kinsella,
Plaintiff-Respondent-Appellant,

-against-

M-4174

Index No. 651201/12

Powerguard Specialty Insurance Services,
LLC, et al.,
Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 24, 2012, and defendants having perfected their appeal,

And plaintiff having moved for an enlargement of time to perfect his appeal, and to adjourn the appeal taken by defendants,

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 plaintiff's appeal as a cross appeal, perfected by the brief filed on or about August 7, 2013. The motion is otherwise denied, as unnecessary.

ENTER:


CLERK