

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

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

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

-against-

**M-4677**

Ind. No. 5796/00

Victor Calderon,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 20, 2010, **denying resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated October 21, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 20, 2011.

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

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

-against-

**M-5110**  
Ind. No. 2094/07

Alejandro Urena,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 14, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated November 2, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 20, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Christopher Williams, also known as  
Christopher E. Williams,

Plaintiff-Appellant,

**M-4603**

Index No. 109194/06

-against-

Adam Kincaid, doing business as  
Kincaid Construction, et al.,

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 May 6, 2010 (mot. seq. no. 004),

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

It is ordered that the motion is granted 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 December 20, 2011..

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Howard J. Kessler,  
Plaintiff,

-against-

Jennifer Kessler,  
Defendant.

**M-3682**  
Index No. 313852/10

-----X

Defendant having moved for certain relief, pursuant to CPLR 5704(a), with respect to an order issued by a Justice of the Supreme Court, New York County, on or about June 23, 2011,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 2, 2011, 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 December 20, 2011.

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

-----x  
In the Matter of

Jane Aubrey P.,

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

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

M-5338  
Docket No. N7112/06

Cynthia R.,  
Respondent-Appellant.

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

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about April 2, 2008, and said appeal having been perfected,

And attorney for the child, Steven Banks, Esq., The Legal Aid Society (Claire Merkine, of counsel), having moved for vacatur of a stipulation of the parties dated September 1, 2011, and for dismissal of the aforesaid appeal,

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

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

ENTER:

  
CLERK



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



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



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



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



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



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



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



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



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



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



Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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



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



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



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 December 20, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

Respondent, M-3676  
M-4404  
-against- Ind. No. 3565/06

Charles Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-3676),

And respondent having cross-moved for dismissal of the aforesaid appeal, or for alternative relief (M-4404),

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 (M-3676) 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. The cross motion to dismiss the appeal (M-4404) is denied.

ENTER:

  
CLERK



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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

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 December 20, 2011.

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

-----X

In the Matter of

John D., Jr., and  
Jordan D.,

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

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

M-4534  
Docket Nos. N-14128-9/10

John D.,  
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 an order of the Family Court, New York County, entered on or about June 7, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, New York 11518, Telephone No. 516-887-8987, 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 therefor<sup>1</sup> **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:



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CLERK

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<sup>1</sup>Service 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 December 20, 2011.

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

-----X  
In the Matter of

Ibn Khalil A.-S.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-5079  
Docket No. D15554/10

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about September 28, 2011, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Lisa A. Blitman, Esq., 225 Broadway, Suite 1203, New York, New York 10007, Telephone No. 212-724-2792, 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 State of New York from funds available therefor;<sup>1</sup> **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) directing appellant to perfect this

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<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

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 December 20, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Richard T. Andrias  
John W. Sweeny, Jr.  
Nelson S. Román, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

M-5163  
Ind. No. 3931/85

Alexander Dockery, also known as  
John Harris,  
Defendant-Appellant.

-----x

An order of this Court having been entered on December 30, 2008 (M-5358/M-5467), denying defendant-appellant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 1986, and granting respondent's cross motion to dismiss the said appeal,

And defendant, by Robert S. Dean, Center for Appellate Litigation (Barbara Zolot, of counsel), having moved for reinstatement of the aforesaid 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 reinstating the appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court, without prejudice to a subsequent motion by the People to dismiss the appeal, if so advised.

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 December 20, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Richard T. Andrias  
John W. Sweeny, Jr.  
Nelson S. Román, Justices.

-----x  
In the Matter of

Henry S.,

An Incapacitated Person.

M-4744

M-5129

-----  
P. Gregory Hess, As Executor of the  
Estate of Henry S.,  
Executor-Respondent,

Index No. 91775/04

Sandra M. Prowley,  
Co-Guardian Appellant.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about February 10, 2009, May 4, 2009, June 5, 2009, August 20, 2009 and September 15, 2009, respectively,

And an order of this Court having been entered November 16, 2010 (M-4753), dismissing the aforesaid appeal; and an order of this Court having been entered January 25, 2011 (M-5745), inter alia, denying vacatur of the order entered November 16, 2010 dismissing the appeal,

And co-guardian appellant having moved, pursuant to CPLR 5704(a), for a signature on an order to show cause for renewal and/or reargument, said relief having been denied by an order of the Supreme Court, Bronx County, dated October 4, 2011,

And executor-respondent having cross-moved for the imposition of costs and attorneys fees against co-guardian appellant for frivolous conduct, for vacatur of the commission awarded co-guardian appellant, and for other relief,

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.

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 December 20, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Richard T. Andrias  
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-4362**

Ind. No. 3456/02

Tony Harrison,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 4, 2005 (Appeal No. 6638), unanimously affirming the judgment of the Supreme Court, New York County (William A. Wetzell, J.), rendered on June 30, 2003,

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 December 20, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

Appellant,

-against-

M-4395  
Ind. No. 7348/02

David Anderson,

Defendant-Respondent.  
-----x

Appellant having moved for an enlargement of time to perfect the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 17, 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 June 2012 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 December 20, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Kevin Pludeman, et al.,

Plaintiffs-Respondents,

-against-

Northern Leasing Systems, Inc.,

Defendant-Appellant,

Jay Cohen, et al.,

Defendants.  
-----X

**M-4615**  
Index No. 101059/04

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 15, 2011 (Appeal No. 4264),

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 December 20, 2011.

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

-----X  
Adrian Shipholding Inc., et al.,  
Plaintiffs-Appellants,

-against-

Lawndale Group S.A.,  
Defendant-Respondent.

M-5095  
Index No. 600885/10

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 25, 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 in which to perfect the appeal to the April 2012 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 December 20, 2011.

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

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

-against-

M-5100  
Ind. No. 4512/02

Steven Darbasie,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 25, 2011 (M-3065), inter alia, granting defendant 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 June 12, 2003,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 defendant to serve and file 8 copies of his pro se supplemental brief on or before March 19, 2012 for the June 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 December 20, 2011.

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

-----X

The People of the State of New York  
ex rel. Ronald L. Kuby on behalf of  
Gigi Jordan,  
Petitioner-Appellant,

-against-

M-5318  
Index No. 110374/11  
Ind. No. 621/10

Darlene Merritt, Warden, Rose M. Singer  
Center, Rikers island Correctional  
Facility,  
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 16, 2011 which, inter alia, dismissed a writ of habeas corpus,

And petitioner-appellant having moved for expedited hearing of the aforesaid appeal upon papers already submitted in connection with a prior application by petitioner, 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 renewing the application to the extent a preference and oral argument is sought upon proper perfection of the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Evelyn Little,

Plaintiff-Appellant,

-against-

Teresita Benaquista, M.D.,

Defendant-Respondent.  
-----X

**M-4646**

Index No. 7951/02

Defendant-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about March 2, 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 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 December 20, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Sarae Ramos-Tillman, et al.,  
Plaintiffs-Appellants,

-against-

**M-4804**  
Index No. 309763/08

Sisay S. Kassa, et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, on or about November 1, 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 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 December 20, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4529  
Ind. No. 672/07

Ralph LaBarbera,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Stone, J.) entered on or about October 4, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Stone as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
New York Skyline, Inc. and Calaif Parks  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-4986  
of the Civil Practice Law and Rules Index No. 106840/11

-against-

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

Petitioners-appellants having moved for relief in the nature of a preliminary appellate injunction, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 17, 2011,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court on October 31, 2011 is vacated.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

**M-4900**  
Ind. No. 2296/09

Hudson Odell,

Defendant.

-----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 9, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is 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 December 20, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

Edwin Rodriguez,  
Defendant-Appellant.

**M-4901**  
Ind. Nos. 377/11  
11295/95

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgments of the Supreme Court, New York County, rendered on or about October 25, 1996 (under Ind. No. 11295/95) and April 7, 2011 (under Ind. No. 377/11), and for leave to prosecute the appeal(s) as a poor person on the original record(s) and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal taken from the judgment rendered on or about April 7, 2011 (Under Ind. No. 377/11) as timely filed, and

It is ordered that the motion insofar as it seeks poor person relief from said judgment, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, S. Brown, Esq., the amount and sources of monies 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.) So much of the motion which seeks the same relief from the judgment entered on or about October 25, 1996 (under Ind. No. 11295/95) 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 December 20, 2011.

Present - Hon. Peter Tom,  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román,

Justice Presiding,  
  
  
  
Justices.

-----x  
In the Matter of

Rayjean Frenele LaGG, also known as  
Ray Jean LaH.,

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

M-4941  
Docket No. B-24856/09

- - - - -  
Heartshare Human Services of New York,  
et al.,  
Petitioners-Respondents,

Lorraine P., also known as Lauren H.,  
Respondent-Appellant.

- - - - -  
Goetz L. Vilsaint, Esq.,  
Court Attorney for the Child.

-----x

Petitioner-respondent agency, Heartshare Human Services of New York, having moved for dismissal of the appeal from the order of the Family Court,, Bronx County, entered on or about August 18, 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 denied, with leave to renew upon submission of proof of service of the moving papers on respondent mother at her last known address after diligent inquiry as to same, and upon Edward I. Arfe, Esq., counsel for respondent-appellant mother.

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 December 20, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----x  
In the Matter of the Application of  
Central Eight Realty, LLC,  
Petitioner-Appellant,

For an Order Pursuant to Article 75  
of the CPLR Compelling Arbitration  
of a Certain Controversy,

M-4627  
Index No. 108063/11

-against-

Randy Polumbo and Plant Construction,  
LLC,  
Respondents-Respondents.

-----x  
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about October 13, 2011,

And petitioner-appellant having moved for a stay of arbitration pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 2, 2011, and due deliberation having been had thereon,

It is ordered that the motion and appeal 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 December 20, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----X

Janine Fester-Lewis, as Mother and  
Natural Guardian of Saed Lewis, an  
infant,

Plaintiffs-Respondents,

-against-

**M-4663**

**M-5001**

Index No. 14179/01

Ohad Rotenberg, M.D. and Reynol  
Suarez, M.D.,  
Defendants-Appellants,

Mercy Obstetrics Gynecology, P.C.,  
Eidlberto Martinez, M.D. and Lois  
Brutman, M.D.,  
Defendants.

-----X

An appeal having been taken by defendants, Ohad Rotenberg, M.D. and Reynol Suarez, M.D., from the order of the Supreme Court, Bronx County, entered on or about June 2, 2011,

And an appeal having been taken by defendants, Mercy Obstetrics and Gynecology, P.C., Eidlberto Martinez, M.D. and Lois Brutman, M.D., from the same order of said Court, and said appeal having been perfected,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal taken by defendants, Ohad Rotenberg, M.D. and Reynol Suarez, M.D., (M-4663),

And defendants-appellants having cross-moved for leave to amend their notice of appeal to designate it as a cross appeal with respect to the appeal taken by defendants, Mercy Obstetrics and Gynecology, P.C., Eidlberto Martinez, M.D. and Lois Brutman, M.D., against the above-named plaintiffs-respondents (M-5001),

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 (M-4663) is granted and the appeal taken by defendants, Ohad Rotenberg, M.D. and Reynol Suarez, M.D., is dismissed. Said defendants-appellants' cross motion (M-5001) is denied and, sua sponte, the aforesaid related appeal taken by defendants, Mercy Obstetrics and Gynecology, P.C., Eidlberto Martinez, M.D. and Lois Brutman, M.D., is adjourned to the February 2012 Term. (See M-5130, 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 December 20, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Helen E. Freedman, Justices.

-----x  
Janine Fester-Lewis, as Mother and  
Natural Guardian of Saed Lewis, an  
infant,  
Plaintiffs-Respondents,

-against-

Ohad Rotenberg, M.D. and Reynol  
Suarez, M.D.,  
Defendants-Appellants,

M-5130  
Index No. 14179/01

Mercy Obstetrics Gynecology, P.C.,  
Eidlberto Martinez, M.D. and Lois  
Brutman, M.D.,  
Defendants

-----x  
An appeal having been taken by defendants Ohad Rotenberg, M.D. and Reynol Suarez, M.D., from the order of the Supreme Court, Bronx County, entered on or about June 2, 2011,

And an appeal having been taken by defendants Mercy Obstetrics and Gynecology, P.C., Eidlberto Martinez, M.D. and Lois Brutman, M.D., from the same order of said Court, and said appeal having been perfected,

And defendants Ohad Rotenberg, M.D. and Reynol Suarez, M.D. having moved for an enlargement of time to perfect their appeal,

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

It is ordered that the motion is denied, as academic, the appeal having been dismissed. (See M-4663/M-5001, 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 December 20, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4453  
Ind. No. 3241/07

Sparkle Daniel,

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, Bronx County, rendered on or about October 25, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4495

Ind. No. 6470/04

Anthony Fontanetta,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 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 December 20, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

Respondent,

-against-

**M-1390**

Ind. No. 2045/03

Christopher Hicks, also known as  
Chris Hicks,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on December 27, 2007 (Appeal No. 2416), unanimously affirming the judgment of the Supreme Court, Bronx County (Richard Lee Price, J.), rendered on March 9, 2005,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

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

-----X  
Fernando J. Maldonado,  
Plaintiff-Appellant,

-against-

M-5101  
Index No. 5392/04

Monica P. Maldonado,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about April 2, 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 in which to perfect the appeal to the April 2012 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 December 20, 2011.

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

-----X

Caridad Cuevas, et al.,  
Plaintiffs-Respondents,

-against-

St. Luke's Roosevelt Hospital Center,  
Defendant-Appellant.

M-5166  
M-5282  
Index No. 107857/06

-----X

Defendant-appellant having moved for a further enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 12, 2010 (M-5166),

And plaintiffs-respondents having made a cross-motion to dismiss the aforesaid appeal, for failure to timely perfect (M-5282),

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 is granted to the extent of enlarging the time in which to perfect the appeal to on or before January 30, 2012 for the April 2012 Term (M-5166). The cross-motion is granted accordingly unless the appeal is so perfected for said April 2012 Term (M-5282).

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 December 20, 2011.

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

-----x  
Jose Reyes,  
Plaintiff,

M-5226

-against-

Index No. 113508/08

Metro Loft Management, LLC., et al.,  
Defendants,

75 Wall Associates, LLC., et al.,  
Defendants-Appellants.

- - - - -

75 Wall Associates, LLC., et al.,  
Third-Party Plaintiffs-Appellants,

Index No. 590270/10

-against-

United Drilling & Cutting Corporation,  
Third-Party 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 8, 2011 (mot. seq. no. 004),

And defendants/third-party plaintiffs-appellants having moved for a stay of trial 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 December 20, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X

Azita Zendel, individually,

Plaintiff-Appellant,

-against-

Moore Capitol Management, LLC, et al.,

Defendants-Respondents.

-----X

**M-3838**

**M-4462**

Index No. 602115/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 10, 2009,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal (M-3838),

And defendants-respondents having cross-moved for the dismissal of the aforesaid appeal and for costs and sanctions (M-4462),

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

Ordered that the motion is denied (M-3838). The cross motion is granted to the extent of dismissing the appeal and is otherwise denied (M-4462).

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 December 20, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

Clermont York Assoc.,

Petitioner-Landlord-Respondent,

-against-

**M-4594**

Index No. 570325/10

Leslie Feher,

Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 16, 2011,

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 December 20, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

Kenneth Paccio,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5014  
Index No. 115490/09

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

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 5, 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 in which to perfect the appeal to the April 2012 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 December 20, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----x  
Weiser LLP,

Plaintiff-Appellant,

-against-

Jeffrey S. Coopersmith, et al.,

Defendants-Respondents.  
-----x

**SEALED**  
M-5030  
Index No. 601805/05

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 12, 2011,

And plaintiff-appellant having moved for an order severing the aforesaid appeal as against defendant-respondent Coopersmith, Simon & Vogel CPAs P.C., 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.

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 December 20, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----x  
Howard Raymond, by his Guardian Ad  
Litem Sandra Gardner, et al., etc.,  
Plaintiffs-Respondents,

-against-

Action No. 1  
M-5119

Index No. 22623/06

The City of New York,  
Defendant-Appellant,

Estate of Keywann Gardner, et al.,  
Defendants.

- - - - -  
Keisha Wright, as Administratrix of  
the Estate of Keywann Gardner,  
Plaintiff-Respondent,

-against-

Action No. 2  
M-5128

Index No. 6195/07

The City of New York,  
Defendant-Appellant,

Charles Williamson, et al.,  
Defendants.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, both entered on or about January 5, 2011,

And defendant-appellant The City of New York having moved for an enlargement of time to perfect the aforesaid appeals,

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

It is ordered that, sua sponte, the appeals are consolidated and appellant is permitted to prosecute the consolidated appeals

upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the April 2012 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 December 20, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X

John F. Schutty,

Plaintiff-Appellant-Respondent,

-against-

**M-3954**

Index No. 602485/08

Speiser Krause P.C., et al.,

Defendants-Respondents-Appellants.

-----X

Plaintiff-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 July 28, 2011 (Appeal No. 3220),

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 December 20, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Rosario Sebastiano, et al.,

Plaintiffs-Respondents-Appellants,

-against-

**M-3623**

Index No. 20936/05

New York City Transit Authority,

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

Plaintiffs-respondents-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 7, 2011 (Appeal Nos. 5511 and 5512),

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

ORDER CORRECTED - SEPTEMBER 4, 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 December 20, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-4171  
Ind. No. 1464/95

Manuel Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Cassandra Mullen, J.) entered on or about August 3, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mullen as yet not transcribed. The Clerk shall furnish a copy of such transcripts

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 December 20, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4501  
Ind. No. 1252/09

Christopher Riley,

Defendant-Appellant.  
-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 28, 2010, 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(a), setting forth the amount and sources of funds to pay the fee of trial counsel, and to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 December 20, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Edward Bramson,  
Petitioner,

**M-4881**

Index No. 114235/09

For a Judgment, etc.,

-against-

NYC Department of Consumer Affairs,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 12, 2010,

And an order of this Court having been entered on October 23, 2011 (M-2872) denying petitioner poor person relief and an enlargement of time in which to perfect the aforesaid proceeding, and dismissing same,

And petitioner having moved for clarification of the aforesaid order of this Court,

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

Ordered that the 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 December 20, 2011.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-4343

Ind. No. 3800/99

Michael Little,

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, entered on or about August 12, 2011, 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 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 **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, 11<sup>th</sup> 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 December 20, 2011.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Barbara Ross, et al.,  
Plaintiffs-Respondents,

-against-

**M-3557**  
Index No. 17038/07

Betty G. Reader Revocable Trust,  
Defendant-Respondent-Appellant,

Emigrant Business Credit Corporation,  
Defendant-Appellant-Respondent,

Uno Restaurant Holdings Corp., etc.,  
et al.,  
Defendants.

-----X

Defendant-appellant-respondent having moved for reargument of the decision and order of this Court entered on July 7, 2011 (Appeal No. 4254),

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. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-4397  
Ind. No. 2039/05

-against-

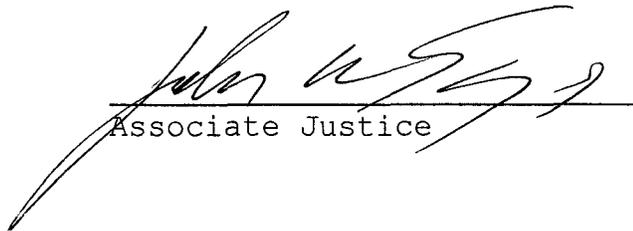
CERTIFICATE  
DENYING LEAVE

Joseph Maria,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 23, 2011 (Renee A. White, J.) is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: November 28, 2011  
New York, New York

ENTERED: DEC 20 2011

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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

Respondent

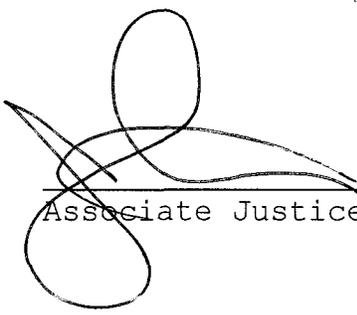
-against-

Michael-Tony Velez,

Defendant.  
-----X

M- 1146  
Ind. No. 166/03  
5513/02  
CERTIFICATE  
DENYING LEAVE

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon paper dated November 22, 2010 from the above-named defendant seeking leave to appeal from an order denying his § CPLR 2221 motion to reargue, and upon the record and proceedings herein, permission to appeal from the order of the Supreme Court, Bronx County, dated **October 29,** 2010, is hereby denied (*McCoy v Metropolitan Transp. Auth.*, 75 AD3d 428 [2010][denial of a motion to reargue is not appealable]; *In re Goliger*, 72 AD3d 966 [2010]).

  
\_\_\_\_\_  
Associate Justice

Dated: July 8, 2011  
New York, New York

ENTERED: **DEC 20 2011**

PM ORDERS

ENTERED ON

DECEMBER 20, 2011



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. (See M-5285A decided simultaneously herewith).

ENTER:

  
CLERK

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

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

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

-against-

M-5285A  
Ind. No. 8663/10

Elizabeth Cherry,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the execution of sentence pending hearing and determination of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about October 11, 2011,

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. (See M-5285 decided simultaneously herewith).

Dated: New York, New York

  
\_\_\_\_\_  
Rosalyn H. Richter  
Justice

ENTER:

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 20, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Pedro Garcia Tzic, an incapacitated person by Candace Pluchino, Guardian of his person and property and Fidelis Chamorro,  
Plaintiffs-Respondents,

-against-

Christina Serafis Kasampas and  
Nicholas Serafis,  
Defendants-Appellants-Respondents,

M-5380  
M-5382  
M-5496  
Index No. 302038/08

MSS Construction Corp. Sidewalk Sheds & Scaffolding, also known as MSS Construction Corp., also known as M.S.S. Sidewalk Bridges & Scaffolding,  
Defendants-Respondents-Appellants.

-----X  
Christina Serafis Kasampas and  
Nicholas Serafis,  
Third-Party Plaintiffs-Appellants-Respondents,

-against-

Champion Builder & Construction Corp.,  
Third-Party Defendant-Respondent-Appellant.

Third-Party  
Index No. 83936/08

-----X

Appeals and a cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 31, 2011,

And third-party plaintiffs-appellants-respondents Christina Serafis Kasampas and Nicholas Serafis having moved for an order striking the reply brief of third-party defendant-respondent-appellant Champion Builder & Construction Corp., and imposing costs and sanctions for frivolous conduct, and for related relief (M-5380),

And defendant-respondent-appellant MSS Construction Corp. having moved for an order striking Points I-IV of third-party defendant-respondent-appellant Champion Builder & Construction Corp.'s reply brief, and other relief (M-5382),

And third-party defendant-respondent-appellant Champion Builder & Construction Corp. having cross-moved for an order striking the briefs of the Serafis defendants and MSS Construction to the extent they contain repetitive arguments, and imposing costs and fees on the aforesaid parties in connection with the instant motions and for related relief (M-5496),

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

Ordered that the motions of the defendants third-party plaintiffs Serafis and defendant MSS Construction are granted to the extent of striking Champion Builder & Construction Corp.'s reply brief without prejudice to Champion re-filing a reply brief confined to arguments related to Champion's cross appeal, on or before January 13, 2012 for the February 2012 Term, and otherwise denied (M-5380/M-5382). The cross motion of Champion Builder & Construction Corp. is denied in its entirety (M-5496). The appeals and cross appeal are adjourned to the February 2012 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 December 20, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

M-5082  
Index No. 600176/04

Tower Insurance Company of New York,  
Defendant.

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Index No. 110019/04

Berzak Gold, P.C.,  
Defendants-Appellants,

7 Essex Street, L.L.C., c/o Vesta  
Development Group, DeSimone  
Consulting Engineers, Jeffrey M.  
Brown Associates, Inc., and  
Big Apple Wrecking  
and Construction Corp.,  
Defendants.

-----X  
7 Essex Street Corp.,  
Plaintiffs,

-against-

Index No. 101984/05

11 Essex Street Corp., Sion  
Misrahi,  
Defendants.

-----X  
Jeffrey M. Brown Associates, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590172/06

Casino Development Group, Inc.,  
Casino Development Corp.,  
Casino Development Corp., formerly known  
as Danna Construction Company and William  
Charon,  
Third-Party Defendants.

-----X

-----X  
 Big Apple Wrecking and Construction Corp.,  
 Second Third-Party Plaintiff,

-against-

Index No. 590479/06

Safeway Environmental Corp.,  
 Second Third-Party Defendants.

-----X  
 Tower Insurance Company of New York  
 Third Third-Party Plaintiff,

-against-

Index No. 590879/06

Berzak Gold, P.C.,  
 Third-Third-Party  
 Defendant-Appellant,

7 Essex Street, L.L.C., c/o Vesta  
 Development Group, Jeffrey M. Brown  
 Associates, Inc., DeSimone Consulting  
 Engineers, Big Apple Wrecking and  
 Construction Corp., Casino Development  
 Group, Inc., Casino Development Corp.,  
 formerly known as Danna Construction  
 Company and William Charon,  
 Third Third-Party Defendants.

-----X  
 Casino Development Group, Inc.,  
 Casino Development Corp. and  
 William Charon,  
 Fourth Third-Party Plaintiff,

-against-

Index No. 590972/06

Danna Construction Corp., Danna  
 Equipment Corp. and Michael Danna,  
 Fourth Third-Party Defendant.

-----X  
 7 Essex Street L.L.C.,  
 Fifth Third-Party Plaintiff,

-against-

Index No. 590456/09

Franke Gottsegen, Cox Architects,  
 Fifth Third-Party Defendants.

-----X

An order of this Court having been entered on August 25, 2011 (M-3072/M-3074) enlarging defendant/third third-party defendant Berzak Gold's and defendant third-party plaintiff-appellant Jeffrey M. Brown Associates, Inc.'s time to perfect their appeals from the order of the Supreme Court, New York County, entered on or about September 10, 2010,

And defendant/third third-party defendant-appellant Berzak Gold, P.C. having moved for a further enlargement of time in which to perfect its appeal from the order of the Supreme Court, New York County, entered on or about September 10, 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 in which to perfect the aforesaid appeals to the April 2012 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 December 20, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Leleand G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of  
The State of New York,  
Petitioner-Appellant,

-against-

M-5700  
Index No. 250306/11

Enrique T.,  
An Inmate in the Custody of New York  
State Department of Correctional Services,  
Respondent-Respondent.

For Civil Management Pursuant to  
Mental Hygiene Law Article 10

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 10, 2011 and said appeal having been perfected and heard [App. No. 6570],

Now, upon the Court's own motion, and inter alia, the correspondence received from the petitioner-appellant and from the Mental Hygiene Legal Service of the Appellate Division, First Department on behalf of the respondent-respondent, and due deliberation having been had thereon,

It is ordered that Supreme Court's declaration that the provisions of Mental Hygiene Law §10.06(k) are unconstitutional is hereby stayed, and it is further ordered that said provisions remain in full force and effect, pending determination of the aforesaid appeal.

ENTER:

  
CLERK