

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----X
Evelyn Sanchez, as Natural Guardian
of Taylor Reyes, An Infant,
Plaintiff-Respondent,

-against-

M-4211X
Index No. 112238/08

Columbia Heights Neighbors LLC
and Joel Kohn,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 25, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 14, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 10, 2011.

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

-----X
Michael Katz and Tanya Katz,
Plaintiffs-Respondents,

-against-

M-4248X
Index No. 112747/05

Jae Moon Kim, et al.,
Defendants-Respondents,

RC Dolner, Inc.,
Defendant-Appellant.

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

An appeal having been taken by defendant/third-party defendant-appellant RC Dolner, Inc. from an order of the Supreme Court, New York County, entered on or about April 12, 2011 (mot. seq. nos. 009, 010 & 011),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 15, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 10, 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-4258
Ind. No. 880/08

Martin Nnodimele,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 24, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated September 15, 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 November 10, 2011.

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

-----X
Dejanelle Peterkin,
Plaintiff-Respondent,

-against-

M-4290X
Index No. 22595/05

Riverbay Corporation, et al.,
Defendants-Appellants.

-----X

Appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about February 16, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 19, 2011, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----X
Kenneth Hill,
Plaintiff-Respondent,

-against-

M-4291X
Index No. 307931/08

Lehr Construction Corp. and
Marlboro Building Associates, LLC,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 20, 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 November 10, 2011.

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

-----X
Magnum Footwear LLC, et al.,
Plaintiffs-Appellants,

-against-

M-4292X
Index No. 651055/11

1407 Broadway Real Estate, LLC,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 13, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 20, 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 November 10, 2011.

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

-----X
Essa Realty Corp.,
Plaintiff-Appellant-Respondent,

-against-

M-4209X
Index No. 105885/09

J. Thomas Realty Corp.,
Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 12, 2011 (mot. seq. nos. 009, 010, 011 and 012),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 15, 2011, 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 November 10, 2011.

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

-----X
Kenneth D. Weiser and Peter Nussbaum,
Petitioners-Appellants,

-against-

M-4183
Index No. 113492/10

Robert K. Futterman & Associates, LLC,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated September 13, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 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 November 10, 2011.

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

-----X
In the Matter of a Family Offense Proceeding

Sheureka L.,
Petitioner-Respondent,

-against-

M-4347

Docket No. O-02065/11

Sidney S.,
Respondent-Appellant.

-----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 September 8, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, 61 Broadway, Suite 1900, New York, NY 10006, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the

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

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

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2012.

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

-----X
In the Matter of

Jonathan Serge A. (B12855/07),
Isiah Steven A. (B12853/07), and
Jason Kevin A. (B12854/07)

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

M-2479A
Docket Nos. B12853/07
B12854/07
B12855/07

New Alternatives for Children, Inc.,
et al.,
Petitioners-Respondents,

Anne Elizabeth P. L.,
Respondent-Appellant.

Dennis G. Corr, Esq.,
Attorney for the Children.

-----X

Appeals having been taken to this Court from the orders of the Family Court, Bronx County, all entered on or about December 14, 2009,

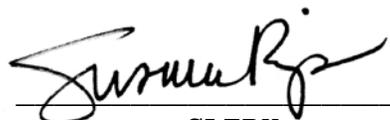
And an order of this Court having been entered on March 9, 2010 (M-178/M-180/M-188), inter alia, granting respondent-appellant leave to prosecute the appeals as a poor person, and assigning counsel therefor,

Now, upon the Court's own motion, it is

Ordered that the order of this Court entered on March 9, 2010 (M-178/M-180/M-188) is recalled and vacated, and it is further,

Ordered that poor person relief is granted to respondent-appellant to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (The order of this Court entered on November 10, 2011 [M-2479], is hereby recalled and vacated.)

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 November 10, 2011.

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

-----X

In the Matter of the Commitment of the Guardianship and Custody of

Nadine L., and
Natalie L.,

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

M-2480
Docket Nos. B-11269/06
B-11270/06

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

Joseph L.,
Respondent-Appellant.

Kristen Kimmel, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.

-----X

An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about September 12, 2008,

And an order of this Court having been entered on December 18, 2008 (M-5015), inter alia, granting respondent-appellant leave to prosecute the appeals as a poor person, and assigning counsel therefor,

Now, upon the Court's own motion, it is

Ordered that the order of this Court entered on December 18, 2008 (M-5015) is recalled and vacated, and it is further,

Ordered that poor person relief is granted to respondent-appellant to the extent of (1) assigning, pursuant to

Article 18b of the County Law and §1120 of the Family Court Act, Frederic P. Schneider, Esq., 40 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 646-512-5730, 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 November 10, 2011

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3972
Ind. No. 6284/08

Alo Ablakatov,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Karen M. Funk, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of

Kareem W.,

M-4454

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D26625/10

Respondent-Appellant.
-----X

An order of the Family Court, Bronx County, having been entered on or about September 28, 2011, remanding respondent to a certain detention facility,

And an order of a Justice of this Court dated September 30, 2011, having stayed the aforesaid order of remand,

And respondent having moved for leave to appeal to this Court from the aforesaid order of the Family Court, as well as for leave to prosecute the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for a continuation of the aforesaid stay, 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 for leave to appeal to this Court is granted. The motion is granted further, to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that respondent-appellant by his counsel, Steven Banks, Esq., Legal Aid Society, serves one copy of such brief upon the attorney for petitioner(s) and files 8 copies of such brief, together with the original record, with this Court. Respondent-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a continuation of the stay afforded respondent by the order of a Justice of this Court dated September 30, 2011 is denied as moot the respondent having been remanded by a subsequent order in a subsequent proceeding.

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 November 10, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

Michael Coleman,
Plaintiff-Appellant,

-against-

M-4414
Index No. 252484/09

Richard Joel Korn, Esq.,
Defendant-Respondent.

-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about November 16, 2010,

And defendant-respondent having moved for an order, inter alia, striking plaintiff-appellant's brief and appendix, and extending defendant-respondent's time to submit the respondent's 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 adjourning the appeal to the February 2012 Term and directing movant to file his respondent's brief on or before January 4, 2012 for said Term with leave to file a respondent's appendix, at his own expense, if so advised. The motion is otherwise denied, without prejudice to raising the arguments in the respondent's brief as to defendant-appellants's brief or 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 November 10, 2011.

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

-----X

All Points Capital Corp.,
Plaintiff-Respondent,

-against-

Mangia Wall LLC, et al.,
Defendants-Appellants,

40 Wall Street LLC,
Defendant.

-----X

M-645

M-824

Index No. 600936/09

Plaintiff-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about September 23, 2010 (mot. seq. no. 003), and for costs, attorney's fees and sanctions against defendants-appellants (M-645),

And defendants-appellants having cross-moved for costs, attorney's fees and sanctions against plaintiff-respondent, and related relief (M-824),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the correspondence from Helfand & Helfand (Aaron Weissberg, of counsel), and the stipulation of the parties April 25, 2011 and filed with this Court on September 9, 2011 with the aforesaid correspondence, and due deliberation having been had thereon,

It is ordered that the appeal, motion and cross motion are deemed withdrawn in accordance with the aforesaid correspondence and stipulation, the underlying action having been settled.

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 November 10, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Mac Truong,
Plaintiff-Appellant,

Maryse Mac-Troung,
Plaintiff,

-against-

M-3686
Index No. 102895/09

Jack Littman, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 26, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 2012 Term, with no further enlargements to be granted. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Thomas Cantore,
Petitioner-Appellant,

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

-against-

M-4270
Index No. 114152/09

Raymond Kelly, as the Police
Commissioner of the City of
New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 9, 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 on or before January 3, 2010 for the March 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 November 10, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Hua Dong, et al.,
Plaintiffs-Respondents,

-against-

M-4352
Index No. 116351/07

Horse Run Tour, Inc.,
Defendant-Appellant,

-and-

Tony Bus Express Line Inc.
and Liping Hou,
Defendants-Respondents.

-----X
(And a third-party action)
-----X

Defendant/third party-plaintiff Horse Run Tour, Inc. 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 December 7, 2010 (mot. seq. no. 005),

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 November 10, 2011.

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

-----x
In the Matter of a Probate Proceeding,

Will Proceedings of Julia Taschereau

Elizabeth Combier,
Proponent-Appellant,

SURROGATE'S COURT

M-4492

M-4493

File No. 1042/98

-against-

Julia Danger,
Objectant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about November 24, 2010, and said appeal having been perfected,

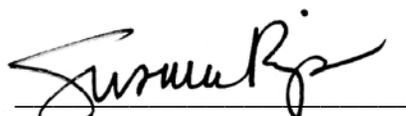
And proponent-appellant having moved for leave to transfer the appeal to the Appellate Division, Third Judicial Department (M-4492),

And objectant-respondent having cross-moved for an extension of time to file a respondent's brief (M-4493),

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

It is ordered that the motion is denied, and the cross motion is granted to the extent of adjourning the appeal to the January 2012 Term, with no further adjournments to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----X

Scott M. Pankoff,
Plaintiff-Appellant-Respondent,

-against-

M-2891
M-3307

Lisa B. Pankoff,
Defendant-Respondent-Appellant.

Index No. 350780/06

-----X

Plaintiff-appellant-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 31, 2011 (Appeal No. 5208)[M-2891],

And defendant-respondent-appellant having cross-moved for the same relief [M-3307],

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 November 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Cora Cahan Gersten, et al.,
Plaintiffs-Appellants,

-against-

M-4250

Index No. 603878/09

56 7th Avenue LLC, et al.,
Defendants-Respondents,

56 Seventh Avenue Corporation,
et al.,
Defendants.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 18, 2011 (Appeal No. 4344),

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

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order and judgment of the Supreme Court, as modified, to declare that the 1999 luxury decontrol order is final, and otherwise affirmed by the this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Malik A.,

M-3850

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D22495/11

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from order of Fact-Finding of the Family Court, New York County, entered on or about June 1, 2011 and the order of Disposition of said Court entered on or about August 4, 2011, respectively, 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, 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;¹ **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

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

Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant 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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
In the Matter of

Trinity J.,

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

- - - - -
The Center for Family Representation,
et al.,
Petitioners-Respondents,

M-3986
Docket No. B-04295/10

Lisa F.,
Respondent-Appellant.

- - - - -
Benjie Acunis, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X

Respondent-appellant/mother 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 August 3, 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, Andrew Baer, Esq., 299 Broadway Suite 1415, New York, NY 10007, Telephone No. (212)233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Lazaro, G., Esmeralda G.,
Alexis G., and Christine G.,

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

Administration for Children's Services,
Petitioner-Respondent,

M-4167
Docket Nos. NA-04718/10
NA-04719/10
NA-04720/10
NA-04721/10

Vladimir G.,
Respondent-Appellant.

Heather Squatriglia, Esq., and
Carol Levy, Esq., Lawyers for
Children,
Attorneys for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about July 25, 2011 and July 28, 2011, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 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 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 November 10, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Harold Ali D.-E.,
and Rubin L.E. III,

M-3891
Docket Nos. B8577/10
B8578/10

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

- - - - -
Jewish Child Care Association of
New York,
Petitioner-Respondent,

Rubin L.E., Jr.,
Respondent-Appellant.

- - - - -
Craig S. Marshall, Esq.,
Attorney for Rubin L.E. III,

Andrew Baer, Esq.,
Attorney for Harold Ali D.E.

-----X

Eugene McGloin, Esq., Family Court attorney for subject child, Harold Ali D.E., having moved on said child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, (under Docket No. B138577/10) entered on or about April 29, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


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 November 10, 2011.

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

-----X
In the Matter of the Application of
Yvonne Merritt,
Petitioner-Respondent,

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

-against-

M-4472
Index No. 402480/09

John B. Rhea, as Acting Chairperson
and Member of the New York City
Housing Authority,
Respondent-Appellant.

-----X

An order of a Justice of this Court having been entered on November 23, 2010 granting respondent-appellant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about July 28, 2010,

And petitioner-respondent having moved for an adjournment of the aforesaid appeal and for leave to respond, as a poor person, to the aforesaid appeal upon a reproduced respondent'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 the motion is granted to the extent of adjourning the appeal to the March 2012 Term, with further adjournments to be granted if necessary and permitting the petitioner-respondent to respond to the appeal upon a reproduced respondent's brief, on condition that respondent serve one copy of such brief upon the attorney for appellant and file 8 copies of such brief, together with the original record, with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----X
Erving Van Buren,

Plaintiff-Respondent,

M-4421

Index No. 18924/07

-against-

New York City Transit Authority, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 22, 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 March 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 November 10, 2011.

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

-----X
Hanover Insurance Company, as subrogee
of Louis Glick,
Plaintiff-Respondent,

-against-

M-4456
Index No. 600040/06

David Andrew Krivine, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about October 7, 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 March 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff-respondent serve a copy of this order upon the appellant(s) within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x

Jerry Cruz,
Plaintiff-Appellant,

-against-

M-3978
Index No. 303675/07

Leonardo E. Garcia and Lopez Roberto
Garcia,
Defendants-Respondents.

-----x

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about October 8, 2010 and March 9, 2011, respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 8 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the March 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 November 10, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----x
José Lala,
Plaintiff-Respondent,

-against-

M-4533
Index No. 14880/05

Fairfield Ronkonkoma, LLC, et al.,
Defendants-Respondents-Appellants.

Fairfield Ronkonkoma, LLC, et al.,
Third-Party Plaintiffs-Respondents-
Appellants,

-against-

Index No. 85491/06

RJNJ Services Inc., doing business as
Classic Construction,
Third-Party Defendant-Appellant-
Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 21, 2010, and said appeals having been perfected,

And third-party defendant-appellant-respondent, RJNJ Services, Inc., etc., having moved for a stay of trial pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is 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 November 10, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X

Maria Augui, etc., et al.,
Plaintiffs-Appellants,

M-2209
Index No. 100232/04

-against-

Seven Thirty One Limited Partnership,
et al.,
Defendants-Respondents.

-----X

Defendants-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 April 5, 2011 (Appeal No. 3277-3277A),

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, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
The Ogilvy Group, Inc.,
Plaintiff-Appellant,

-against-

M-4486
Index No. 650791/11

Universal Music Group, Inc.,
Defendant-Respondent.

-----X
(And another action)

-----X

An order of this Court having been entered June 16, 2011 (M-2457) granting plaintiff-appellant relief in the nature of a preliminary appellate injunction enjoining defendant from taking any action to terminate its right of possession or holding plaintiff in default of a certain sublease pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 19, 2011,

And plaintiff-appellant and defendant-respondent having moved jointly to dismiss the aforesaid appeal,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 3, 2011, and due deliberation having been had thereon,

It is ordered that the motion is disposed of, and the appeal is dismissed, in accordance with the aforesaid stipulation. The injunctive relief granted by the aforesaid order of this Court entered June 16, 2011 (M-2457) is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Elena Strujan,

Plaintiff-Appellant,

-against-

Teperman & Teperman, et al.,
Defendants-Respondents.

M-3162A
M-3414A
Index No. 401164/10

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 30, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief (M-3162A),

And defendants-respondents having cross-moved for an order sealing, striking and expunging certain documents contained in Exhibit pages 4, 5 and 6 of plaintiff's motion (M-3414A),

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 plaintiff's motion (M-3162A) is denied. Defendants' cross motion (M-3414A) is granted to the extent of sealing pages 4, 5 and 6 of the exhibit to plaintiff's motion and directing the Clerk to excise said pages from the motion for filing "under seal". The order of this Court entered on October 13, 2011 (M-3162/M-3414), is recalled and vacated. (See M-3981/M-4124, 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 November 10, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x

Elena Strujan,
Plaintiff-Appellant,

-against-

M-3981

M-4124

Index No. 401164/10

Teperman & Teperman, et al.,
Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 31, 2011 (mot. seq. nos. 002, 003, 004) and June 30, 2011 (mot. seq. no. 005), respectively,

And an order of this Court having been entered on August 11, 2011 (M-2301), denying plaintiff-appellant's motion for leave to prosecute the appeal from the order entered on or about January 31, 2011, as a poor person,

And an order of this Court having been entered on October 13, 2011 (M-3162/M-3414), inter alia, denying plaintiff-appellant's renewed motion for poor person relief, and granting defendants-respondents' cross motion to the extent of sealing pages 4, 5 and 6 of the exhibit to plaintiff-appellant's motion, and directing the Clerk to excise those pages from the motion for filing "under seal",

And plaintiff-appellant having moved for reconsideration of the order of this Court (M-2301) entered on August 11, 2011 (M-3981),

And defendants-respondents having cross-moved for an order sealing, striking and expunging part of Exhibit 3 to plaintiff-appellant's instant motion (M-4124),

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 plaintiff's motion (M-3981) is deemed one for reargument of her prior motion (M-2301) and, as such, the motion is denied. The cross motion is granted to the extent of sealing pages 4, 5 and 6 of Exhibit 3 to plaintiff-appellant's current motion, and directing the Clerk to excise said pages from plaintiff-appellant's current motion (M-3981) for filing "under seal". (See M-3162A/M-3414A, 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 November 10, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3127
Ind. No. 3687N/05

Wander Duran De La Rosa,
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, rendered on or about September 13, 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, 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 November 10, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against- **M-3801**
Ind. No. 594/09

Peter Soto,
Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 13, 2010, 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 November 10, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3990
Ind. No. 31/99

Russell Palmer,
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, Bronx County, entered on or about August 10, 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 10 reproduced copies of such brief, together with the original record, 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 November 10, 2011.

PRESENT:- Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-3973
Ind. No. 2364/10

Luis Cedeno,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 29, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of the
Family Court Act.

- - - - -
David G.,
Petitioner-Appellant,

M-4795
Docket No. P17829/09

-against

Maribel G.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about July 22, 2010, 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, New York 10013, Telephone No. 212-693-2330, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



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 November 10, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Rosa Ree Johnson,
Plaintiff-Appellant,

-against-

M-3881
Index No. 400476/10

Kenneth Heller and Susan S. Harmon,
Defendants-Respondents.

-----X

Plaintiff-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 14, 2011, 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.

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 November 10, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4401

Index No. 1694/01

Anthony Hill,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2009,

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 March 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 November 10, 2011.

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

-----X

Glenn Storman,

Petitioner-Respondent,

-against-

M-4416

Index No. 113652/08

New York City Department of Education,

Respondent-Appellant.

-----X

Respondent-appellant 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 November 29, 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 March 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 November 10, 2011.

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

-----x
In the Matter of the Application of
Drive New Jersey Insurance Company,
Petitioner-Appellant,

-against-

To Stay Arbitration sought to be
had by Dominique Rosario,
Respondent-Respondent,

M-4076
Index No. 102927/11

-and-

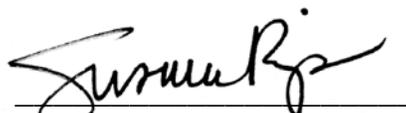
Jason Osborne, et al.,
Proposed Additional Respondents.

-----x
Respondent-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about July 21, 2011, as untimely taken (CPLR 5513[a]),

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. Sua sponte, the matter is referred to the Office of Referees for a traverse hearing in Supreme Court, New York County, to hear and determine with respect to the issue of service of the order with notice of entry upon petitioner-appellant, with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 10, 2011.

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

-----X

In the Matter of

Paulidia Antonia R.,
also known as Paulidia R.,
also known as Paulydia R.,

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

Episcopal Social Services,
Petitioner-Respondent,

M-4526
Docket No. B-1711/09

Lidia R., also known as
Lydia R.,
Respondent-Appellant.

Randall Carmel, Esq.,
Attorney for the Child.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about November 9, 2010,

And Goetz Vilsaint, Esq., Family Court attorney for the subject child, having moved on the child's behalf for leave to respond to the appeal 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 Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is 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 November 10, 2011.

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

-----X
Maylin Silva Arias and Danilo Arias,
Plaintiffs-Respondents,

-against-

M-4469

Index No. 115701/08

PM Partners, etc., et al.,
Defendants,

Commerce Bancorp, Inc., now known as
TD Bank N.A.,
Defendant-Appellant.

-----X
TD Bank N.A., formerly known as
Commerce Bancorp, Inc.,
Third-Party Plaintiff-Appellant,

Third-Party
Index No. 590645/09

-against-

Milford Management Corp.,
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2011,

And defendant/third-party plaintiff-appellant having moved to stay trial 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 filed October 11, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----X

In the Matter of

Ashanti C.,
Sade B., and
Sapphire B.,

M-4438

Docket Nos. NA14185/10
NA14186/10
NA14187/10

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

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

Scott M.,
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 11, 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, Susan Jacobs, Esq., Center for

Family Representation, 40 Worth Street, Suite #605, New York, NY 10013, Telephone No. (212) 691-0950, 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 November 10, 2011.

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

-----X
Tower Insurance Company of New York,
Plaintiff-Appellant,

-against-

M-4358
Index No. 103282/08

458 E. 144th Street Realty Corp.,
et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant 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 March 15, 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 on or before January 3, 2012 for the March 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 November 10, 2011.

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

-----X

Grace Colon,
Petitioner-Appellant,

-against-

M-4455
Index No. 118161/09

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

-----X

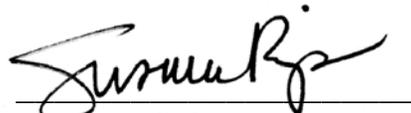
An appeal having been taken by petitioner from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 29, 2010,

And respondents having moved for an order striking petitioner-appellant's appendix; directing petitioner to serve and file a proper appendix and adjourning the appeal so the appendix can be served and filed, 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 granting respondent leave to file a respondents' appendix, at their own expense and adjourning the appeal to the February 2012 Term, and the motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

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

-----x
Superior Technology Solutions Inc.,

Plaintiff-Appellant,

-against-

110 West 31st Street Realty Corp.,

Defendant-Respondent.
-----x

M-4299
M-4353
Index No. 104546/11

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 26, 2011,

And plaintiff-appellant having moved for a stay of certain holdover proceeding pending hearing and determination of the aforesaid appeal (M-4299),

And defendant-respondent having cross-moved for the imposition of attorneys fees for frivolous conduct pursuant to 22 NYCRR § 130-1.1 of the Chief Administrator, and for other relief (M-4353),

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 November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Elise Mellow,

Plaintiff-Respondent,

-against-

M-3622

Index No. 603855/09

312 West 114th Street LLC and Preaedium
Group LLC,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2011 (mot. seq. nos. 001, 002),

And defendants-appellants having moved for an order withdrawing 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 granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3688
Ind. No. 1306/04

Antonio Williams,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 11, 2010, **denying resentence**,

And Robert S. Dean, Esq., assigned counsel for defendant, 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 to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3567
Ind. No. 1443/10

Donell Dinkins,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 6, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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:



A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written over 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 November 10, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

Josie Almonte,

Defendant-Appellant.

M-3586
Ind. Nos. 3639/09
5310/09

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 24, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels, Ernest Hammer, Esq. and Mr. Galluzzo, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3703
Ind. No. 3589/10

David Espinal,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2010, 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 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 post the \$3,500 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 November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

Sanayi Beckles,
Petitioner,

M-3878
Index No. 401011/11

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Rafael E. Cestero, Commissioner,
New York City Department of Housing
Preservation and Development,
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 July 27, 2011,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's 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 permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against- **M-3522**
Ind. No. 1284/09

Argenis Santos,
Defendant-Appellant.
-----X

An order of this Court having been entered on June 29, 2010 (M-2615) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 26, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3760
Ind. No. 6388/09

Gerald Degerolamo,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 9, 2011 (M-1663) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 8, 2011,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Guenter Knop,
Plaintiff-Appellant,

-against-

M-3367
Index No. 310042/08

Florence Knop,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about April 6, 2011, 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 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 November 10, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Susan Capetola,

Plaintiff-Respondent,

-against-

M-3691
Index No. 400846/10

Anthony A. Capetola,

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 27, 2011 (mot. seq. no. 003),

And defendant-appellant having moved for stay of portions of the order appeal which, inter alia, directed him to provide an accounting of certain payments received with respect to the sale of a business, pending hearing and determination of the aforesaid appeal, 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 November 10, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Satellite Asset Management, L.P.,
Plaintiff-Respondent,

-against-

M-3433
Index No. 116699/10

Fifth Avenue Building Company LLC,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 22, 2011,

And defendant-appellant having moved to stay the aforesaid order to the extent it directed defendant-appellant to return to plaintiff-respondent a certain security deposit plus interest accrued,

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 continuing the interim relief granted by an order of a Justice of this Court, dated July 27, 2011, on condition defendant-appellant perfects the appeal on or before January 3, 2012 for the March 2012 Term, with no further enlargements to be granted.

ENTER:



CLERK

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

M-4325
Ind. No. 2646/09

-against-

CERTIFICATE
DENYING LEAVE

Angel Rivera Diaz a/k/a Juan Brito Benton,

Defendant.
-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated November 5, 2010, is hereby denied.



Associate Justice

Dated: October 17, 2011
New York, New York

ENTERED: **NOV 10 2011**

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-2436
Ind. No. 946/1993

-against-

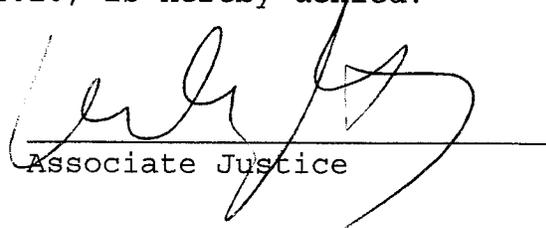
CERTIFICATE
DENYING LEAVE

David Simmons

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 December 22, 2010, is hereby denied.


Associate Justice

Dated: October 19, 2011
New York, New York

ENTERED: **NOV 10 2011**

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

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

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

M-4392
Ind. No. 239/92

-against-

CERTIFICATE
DENYING LEAVE

John Hemphill, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about August 12, 2011, is hereby denied.

Dated: New York, New York
October 14, 2011

9/15

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

NOV 10 2011

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

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

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

M-4523
Ind. No. 4234/09

-against-

CERTIFICATE
DENYING LEAVE

Kenith Agard, Defendant.
-----X

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

Dated: New York, New York
October 24, 2011



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

NOV 10 2011

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

-against-

Moises Colon

Defendant.

M -4355
Ind. No. 1991N/04
CERTIFICATE
DENYING LEAVE

-----X
I, Sheila Abdus-Salaam, 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 April 29, 2011 is hereby denied.

SA-S
Associate Justice

Dated: October 14, 2011
New York, New York

ENTERED: **NOV 10 2011**

PM ORDERS

ENTERED ON

NOVEMBER 10, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 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
ex rel. Ronald L. Kuby on behalf of
Gigi Jordan,

Petitioner-Appellant,

-against-

M-4331

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, dismissing a writ of habeas corpus and remanding petitioner Gigi Jordan to the custody of Darlene Merritt, Warden, Rose M. Singer Center, Rikers Island Correctional Facility,

And petitioner having moved for an order granting bail pending hearing and determination of the aforesaid appeal,

And an order of a Justice of this Court dated September 22, 2011, having denied petitioner's interim application for bail pending hearing and determination of the aforesaid 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 November 10, 2011.

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

-----x
Mary Asantewaa,

Plaintiff-Respondent,

-against-

M-4897
Index No. 22126/06

The City of New York,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 3, 2010, and said appeal having been perfected,

And defendant-appellant 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 November 10, 2011.

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

-----x
Carroll Bing,
Plaintiff-Respondent,

-against-

296 Third Avenue Group, L.P., et al.,
Defendants-Appellants,

M-4512
Index No. 112065/09

-and-

Al-Hafeez News Inc.,
Defendant-Respondent.

-----x

Defendants-appellants having moved for a stay of all proceedings, including trial, pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about June 17, 2011 (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.

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 November 10, 2011.

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

-----X
Sean Carroll, also known as Sean Carragher,
Plaintiff,

M-4775
Index No. 110725/08

-against-

1156 APF LLC , et al.,
Defendants.

-----X
1156 APF LLC, et al.,
Third-Party Plaintiffs-Appellants
Respondents,

-against-

Rockledge Scaffolding Corporation,
Third-Party Defendant-Respondent-Appellant.

-----X
B. Geller Restoration, Inc.,
Second Third-Party Plaintiff-Respondent,

-against-

Rockledge Scaffolding Corporation,
Second Third-Party Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 9, 2011,

And third-party/second third-party defendant respondent-appellant, Rockledge Scaffolding Corporation, having moved for an order staying trial pending hearing and determination of the aforesaid appeal and cross 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 November 10, 2011.

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

-----X

The Plaza PH2001 LLC,
Plaintiff-Appellant,

M-4234

M-4294

-against-

Index No. 602673/08

Plaza Residential Owner LP, et al.,
Defendants-Respondents.

-----X

The Plaza PH2001 LLC,
Plaintiff-Appellant,

Index No. 600732/10

-against-

Plaza Residential Owner LP, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2010, and from the order of said Court entered on or about May 4, 2011 (mot. seq. no. 003), respectively, and said appeals having been consolidated by the order of this Court entered on August 11, 2011 (M-2753) and said consolidated appeals having been perfected,

And appeals having been taken from orders of said Supreme Court, New York County, entered on or about March 16, 2011 and on or about August 22, 2011, respectively,

And plaintiffs having moved for an order to consolidate the above-mentioned four appeals that are included in the record on appeal filed with this Court (M-4234),

And defendants-respondents having cross-moved (M-4294) for an order striking plaintiff's record on appeal and brief to the extent it includes documents and references related to appeals not included in the order of this Court entered August 11, 2011 (M-2753),

Now, upon reading and filing the papers with respect to the motion and cross motion including the stipulation of the parties dated October 4, 2011, and due deliberation having been had thereon, it is

Ordered that plaintiff's motion is granted and the four appeals are consolidated upon the terms set forth in the aforesaid October 4, 2011 stipulation, except that the briefing schedule agreed to by the parties shall be modified to provide that plaintiff-appellant's brief shall be served on or before November 29, 2011; respondents' brief shall be served on or before December 30, 2011 and plaintiff-appellant's reply brief shall be served on or before January 13, 2012 all for the February 2012 Term, to which Term the consolidated appeals are adjourned. Defendants-respondents' motion to strike plaintiff's record on appeal and brief is deemed withdrawn (M-4294) and defendants' cross appeal from the order entered on or about May 4, 2011 is deemed withdrawn pursuant to the aforesaid stipulation.

ENTER:


CLERK