

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Timothy Lindsay, an infant, by his mother
and natural guardian, Sherline Lindsay and
Sherline Lindsay, Individually,
Plaintiffs-Respondents,

-against-

M-3510X
Index No. 16099/07

Conway's,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 10, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 1, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 29, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Robert M. Scarano, Jr.,
Petitioner,

M-3366
Index No. 103455/10

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

-against-

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

-----X

A proceeding having been commenced pursuant to Article 78 of the CPLR challenging a determination of the respondent Department of Buildings dated March 3, 2010,

And the above-captioned proceeding having been transferred to this Court by the order of Supreme Court, New York County, entered on or about June 18, 2010,

And said order of transfer having stayed enforcement of the respondents' determination pending hearing and determination of the proceeding,

And an order of this Court having been entered on July 14, 2011 (Appeal No. 3680), unanimously confirming a determination of the Department of Buildings dated March 3, 2010,

And an order of a Justice of this Court dated July 22, 2011 having afforded petitioner an interim stay of the aforesaid determination,

And petitioner having moved, inter alia, for an order of this Court continuing the interim stay afforded petitioner by the order of a Justice of this Court dated July 22, 2011 pending determination of petitioner's motion for leave to appeal presently pending before the Court of Appeals,

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

Ordered that the motion is granted to the extent of staying enforcement of the aforesaid determination of the respondents pending determination of petitioner's motion currently pending before the Court of Appeals, and 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 September 29, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Manhattan Telecommunications
Corporation,
Plaintiff-Respondent,

M-2032
Index No. 100970/08

-against-

H & A Locksmith, Inc., etc.,
et al.,
Defendants,

Ariq Vanunu,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 31, 2011 (Appeal No. 4683),

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:

A handwritten signature in black ink, 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 September 29, 2011.

Present: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Madison Park Owner, LLC,
Petitioner-Appellant,

M-3800
Index No. 105399/11

For a Judgment, etc.,

-against-

Eric T. Schneiderman, as Attorney
General of the State of New York,
and Alan Krouk,
Respondents-Respondents.

-----X

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

And petitioner-appellant having moved to stay the return to respondent, Alan Krouk, of certain monies held in escrow pending hearing and determination of the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of staying the return of the funds in question on condition that petitioner perfects the appeal for the January 2012 Term, and on further condition that the funds in dispute remain in escrow pending hearing and determination of said appeal. Upon failure to fulfill either condition, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Elizabeth A. Spielfogel,

Plaintiff-Appellant-Respondent,

-against-

M-3610
Index No. 350249/07

Larry R. Spielfogel,

Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 20, 2011,

And defendant-respondent-appellant having moved for a stay of so much of the aforesaid judgment directing him to pay certain counsel and expert fees and to turn over certain shareholder's interests, pending hearing and determination of the 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 granted on condition appellant perfects his appeal for the January 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 September 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

George N.,
Petitioner-Appellant,

M-2775
Docket No. O-2954/11

-against-

Crystal N. and George W., Jr.,
Respondents-Respondents.

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

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 16, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line.

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

"No Given Name" D., also known as
Giovanna Maurice D.,

M-2561

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

Docket No. B10969/09

- - - - -
New Alternatives for Children, Inc.,
Petitioner-Respondent,

Wilner B.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 19, 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, Julian A. Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. (914) 834-5461, 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:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

M-2784

Docket Nos. V1733-06/08K
V1734-06/08K

Samuel A.,
Petitioner-Appellant,

-against-

Aidarina S.,
Respondent-Respondent.

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

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 25, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

In the Matter of

M-2360

Halimah P.,
Sumaiyah P.,
Anwaar F.,
and Hamzah P.,

Docket Nos. NN375-08/11B
NN19785-10/11A
NN19786-10/11A
NN33684-10/11A

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

- - - - -

Administration for Children's
Services,
Petitioner-Respondent,

Tashara M. F.,
Respondent-Appellant.

- - - - -

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

-----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 May 6, 2011, for assignment of counsel, a free copy of the transcript, for a stay of said order, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** So much of the motion which seeks a stay and related relief is denied.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

CLERK

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

Corrected Order - October 4, 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 September 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Julian Michael G.,
Marcus Issaiah M.,
Matthew Jimmy M.,
and Gianni Elijah M.,

M-2774
Docket Nos. B4303-5/09
B20933/09

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

St. Dominic's House,
Petitioner-Respondent,

Jeanette G.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division, Attorney for the Children,
Julian Michael G.,
Marcus Issaiah M.,
and Matthew Jimmy M.,

George Reed, Jr., Esq.,
Attorney for the Child,
Gianni Elijah M.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 7, 2011, for assignment of counsel, a free copy of the transcript, an enlargement of time in which to perfect said appeal, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3808, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
In the Matter of

Julian Michael G.,
Marcus Issaiah M.,
Matthew Jimmy M.,
and Gianni Elijah M.,

M-3808
Docket Nos. B4303-5/09
B20933/09

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

St. Dominic's House,
Petitioner-Respondent,

Jeanette G.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division, Attorney for the Children,
Julian Michael G.,
Marcus Issaiah M.,
and Matthew Jimmy M.,

George Reed, Jr., Esq.,
Attorney for the Child,
Gianni Elijah M.

-----X

Elizabeth Posse, Esq., Family Court attorney for the child, Gianni Elijah M., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about April 7, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of responding to the appeal on child, Gianni Elijah M.'s, behalf; (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. (See M-2774, 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 September 29, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
VBH Luxury, Incorporated,
Plaintiff,

-against-

940 Madison Associates LLC,
Defendant/Third-Party Plaintiff-
Appellant,

M-2555
Index Nos. 111342/07
590589/09

-against-

Excelsior Insurance Company,
Third-Party Defendant-Respondent,

The American Insurance Company,
Third-Party Defendant.

-----X

Third-party defendant-respondent, Excelsior Insurance Company, having moved for reargument/modification 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 14, 2011 (Appeal No. 4801),

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/modification, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. The signature is cursive and stylized.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Nelson S. Román, Justices.

-----X
Osqugama F. Swezey,
Petitioner-Respondent,

-against-

M-2969

M-3523

Merrill Lynch, et al.,
Respondent,

Index No. 104734/09

Philippine National Bank, et al.,
Intervenors-Appellants.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 16, 2011 (Appeal No. 2708) [M-2969],

And petitioner-respondent having separately moved to strike intervenors-appellants' opposition to the aforesaid motion for leave [M-3523],

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

It is ordered that the motion [M-2969] 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 insofar as appealed from and dismissed petitioner's proceeding, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. Motion [M-3523] is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
In re Naomi S.,

A Dependent Child Under Eighteen
Years of Age, etc.,

Hadar S.,
Respondent-Appellant,

M-2709
Docket No. N-1637/07

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

In re Uriel S.,
Petitioner-Respondent,

-against-

Hadar S.,
Respondent-Appellant.

Docket No. V-02692/07

-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals the decision and order of this Court entered on May 19, 2011 (Appeal Nos. 5127/5128/5129/5130/5130A),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on May 19, 2011 (Appeal Nos. 5127/5128/5129/5130/5130A) is recalled and vacated and a new decision and order substituted therefor. See (Appeal Nos. 5127/5128/5129/5130/5130A, decided simultaneously herewith.) The portion of the motion seeking leave to appeal to the Court of Appeals is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Dennis Hough,
Plaintiff-Appellant,

-against-

M-2994
Index No. 601490/07

USAA Casualty Insurance Company,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 6, 2010 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated July 13, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and the appeal marked off the calendar, with leave to re-perfect, upon new briefs and a supplemental record in accordance with the aforesaid stipulation, on or before November 7, 2011 for the January 2012 Term. The Clerk is directed to accept the filing without further fee.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Charles O. Lederman, Esq.,
Petitioner-Appellant,

For a Judgment, etc.,

M-3104

Index No. 112434/10

-against-

New York City Police Department,
Licensing Division,
Respondent-Respondent.

-----X

Petitioner-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 April 4, 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 the correspondence from counsel for plaintiff-appellant dated August 5, 2011 and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X

Lyon Financial Services, Inc., doing
business as U.S. Bancorp Manifest
Funding Services,

Plaintiff-Respondent,

M-3054

Index No. 111340/08

-against-

American Immigration Federation, Inc.,
and Estella M. Figueredo,
Defendants-Appellants.

-----X

Plaintiff-respondent Lyon Financial Services, Inc. doing
business as U.S. Bancorp Manifest Funding Services having moved
for dismissal of the appeal taken from the order of the Supreme
Court, New York County, entered on or about August 13, 2009, for
failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Alejandro Pagan,
Plaintiff-Appellant,

-against-

M-2681
Index No. 252174/09

Martin F. Scheinman,
Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 15, 2010, for failure to timely perfect,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Anna DeFalco,

Plaintiff-Appellant,

M-2976

Index No. 305034/08

-against-

Tapan Kuman Datta, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 23, 2010, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Michael Walsh, individually and as

parent and Natural Guardian of Patrick
Walsh, an infant under the age of 14,
Plaintiffs-Respondents,

-against-

Restaurant Associates Events Corp.,
Defendant-Appellant,

-and-

M-2956
Index No. 100233/09

Wildlife Conservation Society, doing
business as Central Park Wildlife Center,
Defendant-Respondent,

-and-

New York City Department of Parks &
Recreation,
Defendant.

-----X

Defendant-respondent Wildlife Conservation Society,
doing business as Central Park Wildlife Center, having moved for
dismissal of the appeal taken from the order of the Supreme
Court, New York County, entered on or about September 7, 2010
(mot. seq. no. 002),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
In the Matter of the Application of
Anthony Trinidad,
Petitioner-Appellant,

For an Order Pursuant to Article 78 M-3209
of the Civil Practice Law and Rules Index No. 402139/09

-against-

New York City Housing Authority,
Respondent-Respondent.
-----X

Respondent-respondent having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 24, 2010, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Ruben Gonzalez,
Plaintiff-Appellant,

-against-

M-2977
Index No. 303826/09

Jesus H. Palen and Manuel L. Diplan,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 26, 2010, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

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

Bobby L. H.,
Petitioner-Appellant,

M-2858
Docket No. F671-95/10J

-against-

Rosa M. H.,
Respondent-Respondent.

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

-----X
Petitioner-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 March 31, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

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 April 10, 2012.

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

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

Shawnta L-K., M-3071A
Petitioner-Respondent, Docket No. V30377/10

-against-

Melvin K.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 10, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this

¹Service of appellant's brief upon respondent(s) 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) 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 September 29, 2011 (M-3071) is hereby recalled and vacated.

ENTER:

A handwritten signature in black ink, 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 September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Ronald Jackson,
Plaintiff-Respondent,

-against-

M-3149
Index No. 117863/06

Anthony S.C. Leung,
Defendant-Appellant,

"John Doe",
Defendant.

-----X

Defendant-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 September 24, 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 January 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 September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Wings Manufacturing Corporation,
Plaintiff-Appellant,

-against-

M-3030
Index No. 602633/08

Great American Insurance Company
of New York,
Defendant-Respondent.
-----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 November 13, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Margaret Alston,
Plaintiff-Appellant,

-against-

M-3094
Index No. 107389/08

Zabar's & Co., Inc., doing business as
Zabar's Deli and Gourmet Foods, 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 September 2, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 29, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X

The People of the State of New York,

Appellant,

-against-

M-3115
Ind. No. 5293/95

Milton Perez,

Defendant-Respondent.

-----X

The People 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 October 12, 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 January 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 September 29, 2011.

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

-----X
Margaret Riebe, as Guardian ad litem
of Jeffrey Riebe, an Incapacitated
Person,

Plaintiff-Respondent-Appellant,

M-3175
Index No. 109623/06

-against-

Idan Elkon, et al.,

Defendants,

Yaakov Elkon,

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2010 (mot. seq. nos. 003 and 004),

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect their direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 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 September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Ian Gavigan,
Plaintiff-Respondent-Appellant,

-against-

M-3014
Index No. 109761/06

The City of New York,
Defendant-Appellant-Respondent,

-and-

Petrocelli Electric Company, Inc.,
et al.,
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County entered on or about December 15, 2009 (mot. seq. nos. 001, 002),

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 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 September 29, 2011.

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

-----X
Jacob Ginsburg,
Plaintiff-Appellant,

-against-

M-3145
Index No. 600630/08

Douglas Dussel Pritchard, also
known as Douglas D. Pritchard,
also known as Douglas P. Pritchard,
et al.,
Respondents-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 2, 2009 (mot. seq. no. 004) and on or about June 7, 2011 (mot. seq. no. 005), respectively,

And plaintiff-appellant having moved for consolidation of the appeals, and for an enlargement of time in which to perfect same,

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 consolidated appeals upon 8 copies of one record and of one set of appellant's points covering the appeals. The attention of the parties is directed to 22 NYCRR §600.11. The time in which to perfect the consolidated appeals is enlarged 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 September 29, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

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

-against-

M-3128
Ind. Nos. 1487/11
2320/10

Anthony Graham,
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 June 1, 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 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, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 29, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

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

-against-

M-3138
Ind. No. 2468/10

Victor Vataj,
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 June 1, 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 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, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X

In the Matter of

Cire K.,

M-3096

A Person Alleged to be a Juvenile
Delinquent,

Docket No. D-33960/10

Appellant.

-----X

Respondent-appellant having moved for leave to withdraw the appeal from the order of the Family Court, Bronx County, entered on or about April 6, 2011,

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

It is ordered that the motion is 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 September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Myrta R. Cardona,
Plaintiff-Appellant,

-against-

M-3062
Index No. 100902/08

Mario Heredia, et al.,
Defendants-Respondents.
-----X

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about June 10, 2010,

And counsel for plaintiff-appellant Finkelstein & Partners, LLP, having moved for an order withdrawing as counsel with respect to 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 on condition counsel serves a copy of this order upon all parties within 10 days of 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 September 29, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

Everest General Contractors,

Plaintiff-Appellant,

-against-

M-3652

Index No. 602195/09

New York City Housing Authority,

Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 14, 2010,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 29, 2011.

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

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

-against-

M-3118
Ind. No. 3378/07

Ariel Enriquez, also known as
Ariel Henriquez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on May 3, 2011 (Appeal No. 4944),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Georgia Malone & Company, Inc.,
Plaintiff-Appellant,

-against-

M-3556
Index No. 109524/08

Ralph Rieder, et al.,
Defendants-Respondents,

CenterRock Realty, LLC.,
Defendant.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 7, 2011 (Appeal Nos. 4173 - 4173A),

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 modified 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 September 29, 2011.

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

-----X
Mark S. Taylor and Nina Z. Parks-Taylor,

Plaintiffs-Appellants-Respondents,

-against-

M-3051
Index No. 119108/06

Paskoff & Tamber, LLP, et al.,

Defendants-Respondents-Appellants.

(And a third-party action)

-----X

An order of this Court having been entered on July 7, 2011 (M-2050) consolidating plaintiffs-appellants appeals taken from orders of the Supreme Court, New York County, entered on or about October 7, 2010 (mot. seq. no. 011) and on or about April 7, 2011 (mot. seq. no. 012),

And defendants-respondents-appellants having taken appeals from orders of the Supreme Court, New York County, entered on or about April 7, 2011 (mot. seq. no. 012) and April 22, 2011, (mot. seq. no. 14) respectively,

And defendants-respondents-appellants having moved for consolidation of all four 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 directing the parties to prosecute the aforesaid appeals upon 9 copies of one record and of one set of appellants' points covering the appeals. The parties' attention is directed to 22 NYCRR 600.11.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

Ari Kramer, as Executor of the Estate of Virginia Casey Bush and as Administrator D.B.N. of the Estate of Irving T. Bush, Plaintiff-Appellant,

-against-

Ioannis Danalis, Defendant-Respondent.

-----X

M-3678
M-3951
Index No. 101978/05

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 16, 2011, and said appeal having been perfected,

And defendant-respondent having moved for an order striking or dismissal of plaintiff's record on appeal and brief based upon plaintiff-appellant's inclusion of improper material as described in paragraph 6 of the affirmation in support of the motion, and for related relief (M-3678),

And plaintiff-appellant having cross-moved to enlarge the record on appeal to include the aforementioned challenged material (M-3951),

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 to strike plaintiff's record on appeal and brief is denied (M-3678). The cross motion is granted to the extent of enlarging the record on appeal, without prejudice to defendant raising objections to the content thereof in respondents' brief (M-3951). Sua sponte, the appeal is adjourned to the December 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X

W.B. Corley,
Plaintiff-Appellant,

-against-

M-3269
Index. No. 400026/10

Allstate Realty Associates, et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on June 23, 2011 (M-1826) granting appellant limited poor person relief on the appeal taken from the order of the Supreme Court, New York County, entered on or about March 21, 2011,

And plaintiff-appellant having renewed his application to the extent he moved for the assignment of appellate counsel and consolidation of the appeal taken from the aforesaid order entered March 21, 2011 with an appeal taken from an order of the same Court entered on or about September 30, 2010, 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 September 29, 2011.

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

-----X
Blake Silverman, et al.,
Plaintiffs-Respondents,

-against-

M-3794
Index No. 603231/08

Benjamin Shaoul, et al.,
Defendants,

Robert Silman Associates, P.C.,
Defendant-Appellant.

(And other actions)
-----X

Defendant-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 October 26, 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 January 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 September 29, 2011.

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

-----X
American Cybersystems, Inc.,
Plaintiff-Respondent,

-against-

Global Risk Management, LLC, et al.,
Defendants,

David C. Zakheim,
Defendant-Appellant.
-----X

M-3664
Index No. 602425/09

Defendant-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 October 20, 2010 (mot. seq. no. 003),

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 January 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 September 29, 2011.

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

-----x
Jerome Ackerman, et al., etc.,
Plaintiffs-Appellants,

-against-

D'Agostino Supermarkets, Inc.,
Defendant-Respondent,

M-3558
Index No. 340006/08

Metropolitan Security Storage Limited,
et al.,
Defendants.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 30, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 29, 2011.

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

-----X
Joel Stanger,
Plaintiff-Respondent,

-against-

M-3621
Index No. 111703/09

Dawn M. Morgan and Gray Line
New York,
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, New York County, entered on or about October 4, 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 January 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 September 29, 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-3753

Ind. No. 4239/06

Shaheed Robinson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 14, 2008, and said appeal having been perfected,

And defendant-appellant pro se having moved for an order holding the aforesaid appeal in abeyance pending determination of the defendant's motion pursuant to CPL 440.10 pending in Supreme Court,

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

Ordered that the motion is granted to the extent of adjourning hearing of the present appeal to the January 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 September 29, 2011.

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

-----X
In the Matter of

Ariel R.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3759
Docket No. D707/09

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about November 12, 2010,

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

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 September 29, 2011.

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

-----X
Aurelius Capital Master, Ltd. and
Aurelius Capital Partners, LP,
Plaintiffs-Appellants-Respondents,

-against-

David A. Stockman,
Defendant-Respondent-Appellant,

J. Michael Stepp,
Defendant-Respondent-Appellant,

Bryce M. Koth, et al.,
Defendants,

W. Gerald McConnell,
Defendant-Respondent-Appellant.

M-3837
M-3942
M-3962
M-3952
Index No. 601483/08

-----X

Appeals having been taken by plaintiffs from orders of the Supreme Court, New York County, entered on or about November 8, 2010 (mot. seq. nos. 017, 018, 019, 020, 021, 022 and 023), and from the judgment of said Court, entered on or about December 23, 2010,

And cross appeals having been taken by the respective defendants from the aforesaid order of the Supreme Court, New York County, entered on or about November 8, 2010 (mot. seq. nos. 017, 018, 019, 020, 021, 022 and 023),

And plaintiffs having moved for an enlargement of time in which to perfect their appeals and for the consolidation of same (M-3837),

September 29, 2011

And defendants, W. Gerald McConnell (M-3942) and J. Michael Stepp (M-3962), having moved for an enlargement of time in which to perfect their respective cross appeals,

And defendant, David A. Stockman (M-3952) having cross-moved for an enlargement of time in which to perfect his cross appeal,

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

Ordered that the appeals are consolidated and motions and cross motion are granted to the extent of enlarging the time in which to perfect all appeals and cross appeals to the February 2012 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record on appeal and the costs thereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----x

Robert Retta, et al.,
Plaintiffs-Respondents,

-against-

160 Water Street Associates, L.P.,
et al.,
Defendants-Appellants,

M-3673
Index No. 406411/07

-and-

OneSource N.Y., Inc., et al.,
Defendants-Respondents.

-----x

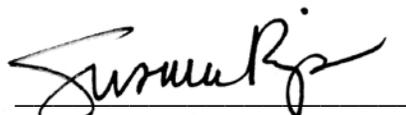
Appeals having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about April 12, 2011 (mot. seq. no. 004) and July 18, 2011, respectively, and said appeals having been perfected,

And defendants-appellants 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 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 September 29, 2011.

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

-----X

In the Matter of the Application of

Rudranau Toolasprashad,
Petitioner,

M-3291

M-3385

For a Judgment, etc.,

Index No. 108031/11

-against-

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

-----X

An order of a Justice of this Court dated July 18, 2011 having vacated a temporary restraining order of the Supreme Court, New York County, dated July 13, 2011,

And respondents having moved identical relief [M-3291],

And petitioner having cross-moved to reinstate the aforesaid temporary restraining order [M-3385],

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

Ordered that the motion [M-3291] is denied as unnecessary, said relief having been granted by the order of a Justice of this Court on July 18, 2011. The cross motion is denied without prejudice to determination of the petition on the merits by the Supreme Court [3385].

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

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

-----X
Accounting of Lawrence Kalik and Chase
Manhattan Bank As Co-Trustees of

Louis Wagman Trust U/A Dated August 3,
1977 and as Amended in 1984 F/B/O
Loretta Wagman.

M-3182
Surrogate's Court
File No. 1121/1986

Accounting of Carl Wagman as Co-Trustee
of Continuing Trust of Louis Wagman
Trust U/A dated August 3, 1977 and as
Amended in 1984 F/B/O Loretta Wagman.

Supreme Court of the State of New York,
County of New York

Loretta Wagman,
Plaintiff-Appellant,

Supreme Court
Index No. 107856/98
Case No. 19294

-against-

Lawrence Kalik, as Executor, Trustee,
and individually, et al.,
Defendants-Respondents.

-----X

Carl Wagman having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about January 2, 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 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 September 29, 2011.

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

-----X
Ergyn Lame,
Plaintiff-Respondent,

-against-

M-3726
Index No. 106733/08

New York City Housing Authority,
Navillus Construction Inc., STV
Incorporated and G & L Plumbing
Co., Inc.,
Defendants-Appellants.

-----X
New York City Housing Authority,
Navillus Construction Inc., STV
Incorporated and G & L Plumbing
Co., Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Third-Party
Index No. 590851/08

ISTRA Electric Contractors Corp.,
Third-Party Defendant-Respondent.

-----X

Defendants/third-party plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 1, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 October 6, 2011.

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

-----X
Phillip Danishefsky and Peggy Danishefsky,
Petitioners-Appellants,

-against-

M-3421A
M-3642A

Roderick Covlin and David Covlin and
Carol Covlin,
Respondents-Respondents.

Action No. 1
Index No. 100206/10
SEALED

-----X

The People of the State of New York
ex rel. Joel Danishefsky and Jaelene
Danishefsky, on behalf of Anna Colvin
and Myles Colvin, their Granddaughter
and Grandson,
Petitioners-Appellants,

-against-

Action No. 2
Index No. 109087/10
SEALED

Roderick Covlin, David Covlin and Carol
Covlin,
Respondents-Respondents.

Jo Ann Douglass, Esq.,
Attorney for the child Anna Covlin,

Jane B. Friedman, Esq.,
Attorney for the child Myles Covlin.

-----X

Appeals having been taken in Action No. 1 from an order of the Supreme Court, New York County, entered on or about January 11, 2010, and from orders and an amended order of said Court entered on or about November 9, 2010, and from

the orders of said Court entered on or about January 11, 2011 and April 19, 2011, respectively, and said appeals having been perfected,

And an appeal having been taken in Action No. 2 from the judgment of the Supreme Court, New York County, entered on or about April 19, 2011, and said appeal having been perfected,

And respondent-respondent, Roderick Covlin, having moved, by separate motions, for leave to respond to the aforesaid appeals as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motions are granted to the extent of (1) assigning Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant, Roderick Covlin, and 8 copies thereof are filed with the Court.

ENTER:


CLERK

the orders of said Court entered on or about January 11, 2011 and April 19, 2011, respectively, and said appeals having been perfected,

And an appeal having been taken in Action No. 2 from the judgment of the Supreme Court, New York County, entered on or about April 19, 2011, and said appeal having been perfected,

And respondent-respondent, Roderick Covlin, having moved, by separate motions, for leave to respond to the aforesaid appeals as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motions are granted to the extent of (1) assigning Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant, Roderick Covlin, and 8 copies thereof are filed with the Court. Sua sponte, the appeals are adjourned to the February 2012 Term. The order of this Court entered on September 29, 2011 (M-3421/M-3642) is hereby recalled and vacated.

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Appellant,

-against-

Hector Martinez,
Defendant-Respondent.

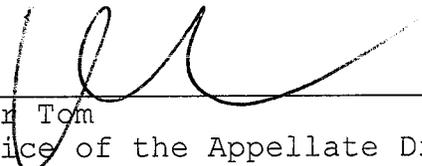
M-2816
Ind. No. 3811/95

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

-----x

I, Peter Tom, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named respondent to appeal to the Court of Appeals.



Peter Tom
Justice of the Appellate Division

Dated: September 9, 2011
New York, New York

ENTERED: **SEP 29 2011**

*Description of Order:

Supreme Court, New York County, rendered on December 5, 1995.
App. Div., First Dept., Appeal No. 3156, Affd on May 17, 2011.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Appellant,

M-4193

Ind. No. 2870/08

-against-

Latisha Bowden

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Defendant-Respondent.
-----x

I, Peter Tom, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: September 23, 2011
New York, New York

ENTERED: **SEP 29 2011**

*Description of Order:

Supreme Court, Bronx County, entered on March 31, 2010.
App. Div., First Dept., Appeal No. 3896-98, Revd on August 4,
2011.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

PM ORDERS
ENTERED ON
SEPTEMBER 29, 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 September 29, 2011.

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

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

Weeks Woodlands Association, Inc.,
et al.,
Petitioners-Appellants-Respondents,

M-4068
Index No. 110502/10

For a Judgment, etc.,

-against-

Dormitory Authority of the State of
New York, et al.,
Respondents-Respondents-Appellants.

-----X

Appeals having been taken by petitioners from the order of the Supreme Court, New York County, entered on or about January 18, 2011 and from the order and judgment (one paper) of said Supreme Court entered on or about August 9, 2011 [mot. seq. no. 002]; and respondents having taken a cross appeal from the order and judgment (one paper) entered on or about August 9, 2011 (mot. seq. no. 002), and the appeal from the January 18, 2011 order having been perfected,

And respondents having moved for consolidation of petitioners perfected appeal taken from the order entered on January 18, 2011 with the appeal and cross appeal taken from the order entered on August 9, 2011, and for related relief,

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

It is ordered that the motion is granted to the extent of adjourning petitioners' perfected appeal taken from the order entered on January 18, 2011 to the January 2012 Term, and directing the respective parties to perfect the remaining

appeal and cross appeal on or before November 7, 2011 for said January 2012 Term upon separate supplemental briefs and upon a joint supplemental record on appeal. So much of the motion which seeks consolidation of the perfected and unperfected appeals is granted to the extent of directing the Clerk to calendar the appeals for hearing together if so perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Citizens Insurance Co. of America,
doing business as Hanover Insurance
Corp.,

Plaintiff-Appellant,

-against-

M-3924

Index No. 112377/08

Aristotle Hatzigeorgiou, individually
and doing business as Play, and Anna
Fernandez, as Administratrix of the
Estate of Marlene Rivera, Deceased,
et al.,

Defendants-Respondents.

-----X

Appeals having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 9, 2010 and from the order of said Court entered on or about July 18, 2011, respectively,

And plaintiff having moved for an enlargement of time in which to perfect the appeal taken from the order entered on 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, sua sponte, plaintiff's appeals are consolidated and the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the January 2012 Term. Plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering said appeals. The parties' attention is directed to 22 NYCRR 600.11.

ENTER:


CLERK