

At a 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 5, 2012.

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

-----X
Jose Reyes,
Plaintiff-Respondent,

-against-

M-1149

Metro Loft Management, LLC, et al., Index No. 113508/08
Defendants,

75 Wall Associates, LLC,
Defendant-Appellant,

Hakimian Management Organization,
Defendant,

ESM Construction Corp.,
Defendant-Appellant.

-----X
75 Wall Associates, LLC
and ESM Construction Corp.,
Third-Party Plaintiffs-Appellants,

Third-Party
Index No. 590270/10

-against-

United Drilling & Cutting Corporation,
Third-Party defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court,
New York County, entered on or about August 5, 2011,

Now, upon reading and filing the stipulation of the parties
hereto, filed March 8, 2012, and due deliberation having been had
thereon,

It is ordered that the appeal, previously perfected for the
February 2012 Term, is withdrawn in accordance with the aforesaid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 April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-852
Ind. No. 504/09

Julio Perez,
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 March 21, 2011, for leave to
have the appeal heard upon the original record and upon a reproduced
appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard 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.

Steven M. 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 April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-853

Ind. No. 2269/08

Keith Waters,
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 January 4, 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender,
11 Park Place, Room 1601, New York, New York, 10007, Telephone No.
212-402-4100, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-854

Ind. No. 1289/09

Lorenzo Padin,
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 October 5, 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender,
11 Park Place, Room 1601, New York, New York 10007, Telephone No.
212-402-4100, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-873

Ind. No. 3639/09
5310/09

Josie Almonte,
Defendant-Appellant.

-----X

Defendant having renewed her 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 March 24, 2011, for leave to
have the appeal heard upon the original record and upon a reproduced
appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard 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.

Steven M. 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 April 5, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
David Friedman	
Rolando T. Acosta	
Leland G. DeGrasse	
Nelson S. Román,	Justices.

-----x

Ming Tung, et al.,
Petitioners,

For a Judgment, etc.,

M-87

Index No. 110149/11

-against-

China Buddhist Association, et al.,
Respondents.

-----x

Petitioner Wai Ching Chen having moved for leave to appeal from a denial of their Order to Show Cause seeking a temporary restraining order and preliminary appellate injunction, said relief having been denied by a Justice of the Supreme Court, New York County, on December 19, 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 deemed one for relief pursuant to CPLR 5704 and, as such, 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 April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Kowanna Groom,

Plaintiff-Respondent,

-against-

M-655

Index No. 300788/08

Sagamore Realty, LLC, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 16, 2011,

And defendants-appellants having moved to stay all proceedings to enforce a certain judgment of said Supreme Court entered on October 26, 2011 pending hearing and determination of the aforesaid appeal,

And an order of this Court entered March 15, 2012 (M-359/M-421) having dismissed 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, and the interim relief granted by an order of a Justice of this Court dated February 8, 2012 vacated, as academic.

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 April 5, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
David Friedman	
Rolando T. Acosta	
Leland G. DeGrasse	
Nelson S. Román,	Justices.

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

-against-

M-793
Ind. No. 3633/02

Omar Rivera, also known as Lewis
Cariano, also known as Carlos Rosa,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 14, 2012 (M-202), granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 17, 2011, **denying resentence**, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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 April 5, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
David Friedman	
Rolando T. Acosta	
Leland G. DeGrasse	
Nelson S. Román,	Justices.

-----x
Elizabeth Bour,

Plaintiff-Appellant,

-against-

M-683
Index No. 101313/09

259 Bleecker LLC,

Defendant-Respondent.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about May 9, 2011 (mot. seq. no. 004) and October 4, 2011 (mot. seq. no. 003), respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about May 9, 2011,

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

It is ordered that, sua sponte, the appeals are consolidated, and plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The time to perfect the consolidated appeals is enlarged to on or before August 6, 2012 for the October 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 April 5, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-794

Ind. No. 29/00

Ralph Alicea,
Defendant-Appellant.

-----X

Defendant 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 February 20, 2004,

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 September 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 April 5, 2012.

Present - Hon. Peter Tom,	Justice Presiding,
Leland G. DeGrasse	
Helen E. Freedman	
Rosalyn H. Richter	
Nelson S. Román,	Justices.

-----X

Industrial Bank of Korea,
Plaintiff-Respondent,

-against-

Gateway 1, LLC, et al.,
Defendants-Appellants,

M-836
Index No. 107588/10

Baron Associates, A NY Partnership,
et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of
time in which to perfect appeal from the order of the Supreme
Court, New York County, entered on or about March 31, 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
enlarging the time in which to perfect the appeal to the
September 2012 Term.

ENTER:


CLERK

CORRECTED ORDER — April 16, 2012

At a 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 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

- - - - -
Isidro A-M., M-822
Petitioner-Appellant, Docket Nos. V-11679-95/06A

-against-

Mirta A.,
Respondent-Respondent,

Minerva F.,
Respondent.

-----X
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 December 27, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

CORRECTED ORDER – April 16, 2012

(M-822)

-2-

April 5, 2012

(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.** (See M-539, decided simultaneously herewith.)

ENTER:


CLERK

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

CORRECTED ORDER – April 16, 2012

At a 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 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

- - - - -
Isidro A-M., **M-539**
Petitioner-Appellant, Docket Nos. V-11679-95/06A

-against-

Mirta A.,
Respondent-Respondent,

Minerva F.,
Respondent.

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

-----X

Respondent-respondent, Mirta A., 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 December 27, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of responding to the appeal;

CORRECTED ORDER – April 16, 2012

(M-539)

-2-

April 5, 2012

(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-822, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Marquis T.,

M-977

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D457/11

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about January 12, 2012, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. (914) 793-7534, 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 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

¹Service of appellant's brief upon respondent 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 5, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of

Dyvionna Jamila Tanisha B.,
Jaquan Tieran B., and
Mia Fatima B.,

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

M-963

Docket Nos. B-22395/09
B-22397/09
B-22398/09

Edwin Gould Services for Children
and Families, et al.,
Petitioners-Respondents,

Latoya B.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from orders of the Family Court, Bronx County, entered on or about December 20, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. 3, New York, New York 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from 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 the appeals, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of

Tashameeka Valerie P., also known
as Tashameeka P. and Quadeir Wyleek
Cortel G., also known as Quadeir G.,

M-975

Docket Nos. B24272/09
B24273/09

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

- - - - -
SCO Family of Services, et al.,
Petitioners-Respondents,

Priscilla P.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Priscilla P., 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 5, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 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.**

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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Ana B.,
Petitioner-Respondent,

M-1091
Docket No. F18878-08/10B

-against-

Hector N.,
Respondent-Appellant.

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

Respondent-appellant, Hector N., 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 February 3, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of

Ne-Ashia R.,

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

M-1097
Docket No. NA14345/09

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

Na-Ashia R.,
Respondent-Appellant.

- - - - -
Elisa Barnes, Esq.,
Attorney for the Child.

-----X

Respondent-appellant mother, Na-Ashia R., 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 February 16, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone

No. (914) 949-8214, as counsel for purposes of 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.** (See M-1098, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of

Ne-Ashia R.,

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

M-1098

Docket No. NA14345/09

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

Na-Ashia R.,
Respondent-Appellant.

- - - - -
Elisa Barnes, Esq.,
Attorney for the Child.

-----X

Subject child, Ne-Ashia R., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 16, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 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. (See M-1097, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

-against-

M-826
Ind. No. 3606/09

Cesar Zuniga, also known as Cears
Zuniga, also known as Carlos Zuniga,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2010,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is 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, Jose William Cotto, 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 April 17, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Abdul Hussain Jaffar Rahmat Allah Al
La Wati, et al.,
Plaintiffs-Respondents-Appellants/
Plaintiffs-Appellants,

-against-

M-717A
Index No. 651489/10

Montague Morgan Slade Ltd., et al.,
Defendants,

Peter Rigby,
Defendant-Appellant-Respondent/
Defendant-Respondent,

JST Lawyers, et al.,
Defendants-Respondents,

-and-

Montague Morgan Slade Unlimited,
et al.,
Nominal Counterclaim Defendants.

-----X

An appeal having been taken by defendant, Peter Rigby, from the order of the Supreme Court, New York County, entered on or about January 25, 2012 (mot. seq. no. 007), and said appeal having been perfected upon a joint record which includes the following appeals:

The cross appeal taken by plaintiffs, Abdul Hussain Jaffar Rahmat Allah Al La Wati, et al., from the aforesaid order of the Supreme Court, entered on or about January 25, 2012 (mot. seq. no. 007), and said appeal having not yet been perfected,

And the appeals taken by plaintiffs from an order of said Supreme Court entered on or about January 25, 2012 (mot. seq. no. 005) and from two orders entered on or about January 26, 2012 (mot. seq. nos. 006, 008), and said appeals having not yet been perfected,

And plaintiffs having moved for consolidation of their appeals and cross appeal with the appeal taken by defendant, Peter Rigby,

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 consolidating defendant's perfected appeal with plaintiffs' appeals and cross appeal. The parties are directed to abide by the filing deadlines for said September 2012 Term. (The order of this Court entered on April 5, 2012 [M-717] is hereby recalled and vacated.) (See M-1084, 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-841

Ind. No. 307/08

Andrew Smith,

Defendant-Appellant.

-----X

An order of this Court having been entered on October 20, 2011 (M-4050), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 5, 2009,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 9, 2012 for the September 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X

Bill Bace,
Plaintiff-Appellant,

Action No. 1

M-849

-against-

Index No. 116757/02

Tai May Realty, Inc.,
Defendant-Respondent.

-----X

Bill Bace,
Plaintiff-Appellant,

M-850

Action No. 2

-against-

Index No. 400803/08

Tai May Realty, Inc.,
Defendant-Respondent.

-----X

Bill Bace,
Plaintiff-Appellant,

M-851

Action No. 3

-against-

Index No. 401042/11

Park East Madison Cleaners, Inc.,
et al.,

Defendants-Respondents.

-----X

Appeals (in Action No. 1, Index No. 116757/02) having been taken from orders of the Supreme Court, New York County, entered on or about May 17, 2011, May 20, 2011 and on or about May 31, 2011,

And appeals (in Action No. 2, Index No. 400803/08) having been taken from orders of said Supreme Court, entered on or about November 22, 2010, on or about January 20, 2011 and on or about April 7, 2011,

And appeals (in Action No. 3, Index No. 401042/11) having been taken from orders of said Supreme Court, entered on or about April 28, 2011, on or about June 9, 2011 and on or about July 29, 2011,

And plaintiff-appellant having moved for leave to prosecute the appeals in Action No. 1, Index No. 116757/02, as a poor person and for an enlargement of time in which to perfect said appeals (M-849),

And plaintiff-appellant having moved for leave to prosecute the appeals in Action No. 2, Index No. 400803/08, as a poor person and for an enlargement of time in which to perfect said appeals (M-850),

And plaintiff-appellant having moved for leave to prosecute the appeals in Action No. 3, Index No. 401042/11, as a poor person and for an enlargement of time in which to perfect said appeals (M-851),

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

Ordered that the motion (M-849), to the extent it seeks poor person relief, is denied. The time in which to perfect the three appeals is enlarged to the September 2012 Term, and it is further

Ordered that the motion (M-850), to the extent it seeks poor person relief, is denied. The time in which to perfect the appeal from the order entered on April 7, 2011 is enlarged to the September 2012 Term; and an enlargement of time to perfect the appeals from orders entered on November 22, 2010 and January 20, 2011 is denied, and it is further

Ordered that the motion (M-851), is denied in its entirety.

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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Nayci Contracting Associates, LLC,
et al.,
Petitioners,

M-857
Index No. 106851/10

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

New York City Department of Consumer
Affairs, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 10, 2011,

And petitioner having moved for an enlargement of time in which to perfect the proceeding,

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 proceeding to the September 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 April 5, 2012.

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

-----X
Akabas & Cohen,

Plaintiff-Appellant,

-against-

M-5507

Index No. 600861/10

Fox Rothschild LLP,

Defendant-Respondent.

-----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 November 3, 2011 (Appeal No. 5930 and 5931), and for a stay of costs,

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 in its entirety.

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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X

Bruce S. Simon,
Plaintiff-Respondent,

-against-

M-4589

Index No. 303306/01

Amy E. Simon,
Defendant-Appellant.

-----X

Defendant-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 October 30, 2008 (Appeal No. 4434),

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 April 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli Justice Presiding,
David B. Saxe
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Admiral Indemnity Company as subrogee
of Place 57 Condominium Association,
Plaintiffs-Respondents,

-against-

M-709
Action No. 1
Index No. 102772/08

Bovis Lend Lease LMB, Inc.,
Defendant-Respondent,

R & J Construction Corp.,
Defendant-Appellant.

-----X
Admiral Indemnity Co. as subrogee
of Place 57 Condominium Association,
Plaintiffs-Respondents,

-against-

Action No. 2
Index No. 102773/08

Bovis Lend Lease LMB, Inc. and EPIC
Mechanical Contractors, LLC,
Defendants-Respondents.

-----X

Defendant-appellant R & J Construction Corp. 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 February 7, 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 enlarging the time in which to perfect the appeal to the September 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 April 5, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

David Moody,
Petitioner,

For A Judgment Pursuant to Article 78 M-724
of the Civil Practice Law and Rules Ind. No. 5729/10

-against-

Hon. Judge Cassandra Mullen,
Justice of the Supreme Court and
Cyrus Vance, District Attorney,
New York County,
Respondents.

-----X

Petitioner having commenced a proceeding pursuant to Article 78 of the CPLR for a Writ of Prohibition and having moved for a stay of retrial in the matter, *People v David Moody* (Supreme Court, New York County, Indictment No. 5729/10), pending hearing and determination of the aforesaid proceeding,

And an order of a Justice of this Court having been entered on February 16, 2012, granting petitioner the stay of retrial pending determination of the aforesaid Article 78 proceeding,

Now, upon reading and filing the papers with respect to the proceeding including the stipulation between the parties, dated February 28, 2012, and due deliberation having been had thereon,

It is ordered that the aforesaid Article 78 proceeding is deemed withdrawn and accordingly, the stay granted by a Justice of this Court on February 16, 2012 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 April 5, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Altagracia Morales,
Plaintiff-Respondent,

-against-

M-859

Index No. 18017/06

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

-and-

CSC Holdings, Inc. and Cablevision
Systems NYC Corp.,
Defendants-Appellants-Respondents,

-----X
CSC Holdings, Inc. and Cablevision
Systems NYC Corp.,
Third-Party Plaintiffs-Appellants-
Respondents,

-against-

CFG Cable Corporation,
Third-Party Defendant-Respondent-
Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 18, 2011, and said appeal having been perfected,

And defendants/third-party plaintiffs-appellants, CSC Holdings, Inc. and Cablevision Systems NYC Corp., 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 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 April 5, 2012.

Present - Hon. Angela M. Mazzarelli,	Justice Presiding,
James M. Catterson	
Leland G. DeGrasse	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----x

Nancy L. Donenfeld and Thelma L.
Donenfeld, as Trustee of the Nancy L.
Donenfeld Trust,
Plaintiffs-Respondents,

-against-

Brilliant Technologies Corporation,	M-1248
formerly known as Advanced Technology	M-1319
Industries, Inc., Advanced Technology	Index No. 600664/07
Industries, Inc. and Allan Klepfisz,	
Defendants-Appellants,	

-and-

Ethel Griffin, Public Administratrix
of New York County, as Administratrix
of the Estate of Kurt Seifman,
Deceased,
Defendants.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 10, 2011, and said appeal having been perfected,

And plaintiffs-respondents having moved for dismissal of the appeal for failure to file a proper record or, in the alternative, granting plaintiffs-respondents leave to file a supplemental record on appeal and adjournment of said appeal, with costs and fees to be assessed against defendants-respondents for said supplementation (M-1248),

And defendants-appellants having cross-moved for the imposition of costs and sanctions as against plaintiff-respondent for frivolous conduct pursuant to 22 NYCRR 130-1.1 of the Chief Administrator, and to deem the appeal fully submitted without opposition thereto for the May 2012 Term (M-1319),

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 granted to the extent of granting plaintiffs-respondents leave to file 9 copies of their "Bound Volume of Affidavits, Papers and Exhibits Excluded from the Record on Appeal", submitted with the moving papers, on or before April 18, 2012 for the June 2012 Term, to which Term the appeal is adjourned, with costs to abide the event, and the motion is otherwise denied, and it is further,

Ordered that the cross motion is denied, without prejudice to defendants-appellants presenting such arguments with respect to costs and sanctions in their reply brief on appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2012.

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

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

Respondent,

-against-

M-760
Ind. No. 201N/09

Winston Kingston,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 5, 2012.

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

-----X
Andre P. Chappotin,
Plaintiff-Respondent,

-against-

M-5721
Index No. 107593/04

City of New York,
Defendant,

Consolidated Edison Companies,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for clarification and/or amendment of the decision and order of this Court entered on December 6, 2011 (Appeal No. 4796) or, in the alternative, for leave to appeal to the Court of Appeals from said decision and order of this Court,

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

It is ordered that the motion is denied in its entirety.

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 April 5, 2012.

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

-----X
Alvaro Anton,
Plaintiff,

-against-

M-953

Index No. 22782/06

West Manor Construction Corp.,
et al.,
Defendants/Respondents.

-----X
West Manor Construction Corp.,
et al.,
Third-Party Plaintiffs-Respondents,

Third-Party
Index No. 85841/07

-against-

Tiegre Mechanical Corp.,
Third-Party Defendant-Appellant,

Larino Masonry, Inc.,
Third-Party Defendant.

-----X

Third-party defendant-appellant, Tiegre Mechanical Corp., having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 1, 2012, said appeal having been perfected,

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 April 5, 2012.

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

-----x
Ernesto Amaro,
Plaintiff-Respondent,

-and-

Luis Hiraldo,
Plaintiff,

-against-

M-1118
Index No. 24978/05

American Medical Response of New York,
Inc., et al.,
Defendants-Appellants,

-and-

Laidlaw USA, Inc.,
Defendant.

- - - - -
[And a third-party action]

-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 9, 2010,

And counsel for plaintiff-respondent, Scott R. Housenbold, Esq., having moved for leave to withdraw as counsel on the appeal, for a stay of all proceedings to afford plaintiff-respondent to retain new counsel on the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting Scott R. Housenbold, Esq. to withdraw as appellate counsel for plaintiff-respondent, adjourning the appeal to the September 2012 Term, and 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 April 5, 2012.

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

-----x

July Fernandez,
Plaintiff-Respondent-Appellant,

-against-

Stockbridge Homes, LLC,
Defendant-Respondent-Appellant,

M-902
Index No. 402886/08

Stratis Builders, LLC,
Defendant-Appellant-Respondent,

-and-

Harc Maintenance & Contracting Corp.,
Defendant.

- - - - -
Stratis Builders, LLC,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

Index No. 85846/07

Sanita Construction Company, Inc.,
Third-Party Defendant-Respondent-
Appellant.

- - - - -
Stockbridge Homes, LLC, initially sued
herein as Stockbridge Builders, LLC,
Second Third-Party Plaintiff-
Respondent-Appellant,

Index No. 86296/07

-against-

Sanita Construction Company, Inc.,
Second Third-Party Defendant-
Respondent-Appellant.

-----x

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

And an order of this Court having been entered on January 24, 2012 (M-5525), inter alia, granting an enlargement of time to perfect the appeals and cross appeals to the June 2012 Term,

And defendant/second third-party plaintiff-respondent-appellant Stockbridge Homes, LLC having moved for leave to supplement the record on appeal with the order of the Supreme Court, New York County, entered on or about January 25, 2012 and the notice of appeal filed in connection therewith (Exhibits A and B to the affirmation of Brendan T. Fitzpatrick, Esq. submitted in support of the motion), and for adjournment of 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 directing movant to immediately serve and file 9 copies of the aforesaid said Exhibits A and B as a supplemental record. The motion is otherwise denied, as academic.

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 April 5, 2012.

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

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

-against-

M-442
Case No. 2015C/05

Jose Carrasco,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 7, 2009 (M-2525), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2008, and assigning Robert S. Dean, Esq., for purposes of prosecuting said appeal,

And an order of this Court having been entered on August 24, 2010 (M-2288), inter alia, striking the designation of assigned counsel, continuing the poor person relief granted by the order of this Court entered July 7, 2009 (M-2525), and denying that portion of the motion seeking to assign retained counsel Leonard J. Levinson, Esq., as unnecessary,

And defendant-appellant having moved, both pro se and by retained counsel Leonard J. Levinson, Esq., for the assignment of counsel Levinson pursuant to 18-B of the County Law in connection with the aforesaid appeal,

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

It is ordered that the motion is denied, with leave to renew upon submission of retained counsel's affirmation setting forth the work performed by said counsel to date in connection with the instant appeal, said affirmation is to include a statement of the number of hours expended and the specific work performed.

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 April 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-743
Ind. No. 1600/00

Julio Muñoz, also known as Julio Matos,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Sallie Manzanet-Daniels, Justices.

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

-against-

M-755
Ind. No. 985/04

Rodney Lesane,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Barrett, J.) entered on or about February 10, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick s
Sallie Manzanet-Daniels, Justices.

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

-against-

M-756
Ind. No. 1313/04

Rodney Lasane,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Carro, J.) entered on or about February 7, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

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

M-256

- - - - - Docket Nos. V14778/11
Chaney Y., V17516/11
Petitioner-Appellant, V17517/11

-against-

Sharece P.,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about November 16, 2011,

And respondent-respondent having moved for leave to respond, as a poor person, to the aforesaid appeal, and for related relief,

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

Ordered that the motion is denied, with leave to renew, upon perfection of the appeal by petitioner or upon a motion for poor person relief submitted by petitioner-appellant.

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 April 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Wings Manufacturing Corporation,

Plaintiff-Appellant,

-against-

M-651
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 September 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 April 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

Kent Frezzell,

Plaintiff-Appellant,

-against-

M-747

Index No. 116366/07

The City of New York and Steven
Tompos,

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 April 14, 2011 (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 September 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 April 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Graig Henriques,

Plaintiff-Respondent,

-against-

M-788

Index No. 113110/05

Patricia W. Linville,

Defendant-Appellant.

-----X

An order of this Court having been entered January 3, 2012, inter alia, consolidating the appeals from the order of the Supreme Court, New York County, entered on or about January 19, 2011 (mot. seq. no. 003)[M-5275],

And defendant-appellant having moved for an enlargement of time in which to perfect the aforesaid consolidated 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 enlarging the time in which to perfect the consolidated appeals to the September 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 April 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of

Shatavia Jeffeysha J.,
also known as Shatavia J.,
also known as Shatavia M.,

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

- - - - -
Little Flower Children and Family
Services,
Petitioner-Respondent,

M-798
Docket No. B12943/09

Jeffrey J.,
Respondent-Appellant,

Sheila M.,
Respondent-Appellant.

- - - - -
Jessica I. Cuadrado, Esq.,
Attorney for the Subject Child.

-----X

Respondent-appellant father Jeffrey J. having moved for an enlargement of time to perfect his appeal from an 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 enlarging the time to perfect the appeal to the September 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 April 5, 2012.

Present - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Gloria Rosenthal, as Executrix of the
Estate of Alfred J. Rosenthal,

Plaintiff-Appellant-Respondent,

M-844

Index No. 116974/06

-against-

Quadriga Art, Inc.,
Defendant-Respondent-Appellant.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 22, 2011 (mot. seq. no. 002),

And defendant-respondent-appellant having moved for a stay of trial herein 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 the appeal and cross appeal are perfected for the September 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 April 5, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
PBS Realty Advisors, LLC, doing
business as PBS Real Estate,

Plaintiff-Appellant,

M-864

Index No. 100533/09

-against-

Jones Lang LaSalle Americas, Inc.,
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 May 18, 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 enlarging the time in which to perfect the appeal to the September 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 April 5, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Jan Krejbich,
Plaintiff-Respondent,

-against-

M-1236
Index No. 108588/09

Schimenti Construction Company, Inc.,
600 Broadway Partners, LLC,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 12, 2011,

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

It is ordered that the motion is denied, the stipulation dated April 2, 2012 notwithstanding.

ENTER:



CLERK


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 5, 2012.

Present: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5491

Ind. No. 7531/93

Lugo Miguel Santiago, also known as
Lugo Santiago,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 6, 1999 (Appeal No. 2233), unanimously affirming the judgment of the Supreme Court, Bronx County (Stadtmauer, J.), rendered on October 11, 1995,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

PM ORDERS
ENTERED ON
APRIL 5, 2012

At a 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 5, 2012.

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

-----x

Tariz A. Hassan,
Plaintiff-Appellant,

-against-

M-1199
Index No. 112534/09

Eric Wallach, Esq., et al.,
Defendants-Respondents.

-----x

A decision and order of this Court having been entered on February 7, 2012 (Appeal No. 6716), unanimously affirming an order of the Supreme Court, New York County (Judith A. Gische, J.), entered on December 22, 2010,

And plaintiff-appellant having moved for relief in the nature of leave to file a motion for reargument or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order,

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

It is ordered that the motion is granted to the extent of directing plaintiff-appellant to serve and file a motion for leave to appeal to the Court of Appeals, if so advised, on or before April 10, 2012. The motion, to the extent it seeks reargument, is denied, the time to move for such relief having expired 30 days after the date of this Court's decision (22 NYCRR 600.14).

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 April 5, 2012.

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

-----X
Nikiyah S. Blackman,
Plaintiff-Respondent,

-against-

M-887

Index No. 101743/02

The Hit Factory, et al.,
Defendants-Appellants.

-----X

An order of this Court having been entered on October 27, 2011 (M-4041) dismissing plaintiff's appeal and directing defendants to perfect their (then) cross appeal as the direct appeal,

And an order of this Court having been entered on February 9, 2012 (M-5509) denying plaintiff's motion to reinstate plaintiff's dismissed appeal,

And plaintiff having moved for reconsideration of the order of this Court, entered on February 9, 2012 (M-5509) or, in the alternative, for leave to appeal to the Court of Appeals,

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

Ordered that the motion is 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 April 5, 2012

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4162
Ind. No. 5431N/03

Alberto Polanco,

Defendant-Appellant.

-----X

Defendant 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 25, 2005, 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 granted to the extent of
enlarging the time in which to perfect the appeal to the
September 2012 Term, the motion is otherwise denied.

ENTER:


CLERK