

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

-----X  
Clare E. Batt,

Plaintiff-Appellant,

-against-

M-270X  
Index No. 103163/10

United Federation of Teachers  
Welfare Fund,

Defendant-Respondent.  
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 10, 2011 and October 17, 2011, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 18, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

-----X  
Jishan Ahmad,

Plaintiff-Respondent,

-against-

Alshorbagi Bivomi, et al.,

Defendants-Appellants.  
-----X

M-470X

Index No. 115755/08

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 26, 2011 (mot. seq. no. 004), and from the judgment of said Court entered on or about November 10, 2011, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2012, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

-----X  
Mark Warren,  
Plaintiff-Appellant,

-against-

Fred Kimmelsteil, M.D.,  
Defendant-Respondent,

M-4564  
Index No. 111464/08

-and-

St. Luke's Roosevelt Hospital Center,  
Defendant.

-----X

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about November 18, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated January 19, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

-----X

Carlos Alberto Santos,  
Plaintiff-Respondent,

-against-

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

M-5876  
Index No. 6399/07

-and-

Carullo Construction Corp.,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about November 9, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated January 26, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK







































At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

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

Respondent,

-against-

M-170  
Ind. No. 6142/08

Baasil A. Reynolds,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 23, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



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



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 February 21, 2012.

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

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

Respondent,

-against-

M-201  
Ind. No. 3105/11

Omi R. Peralta, also known as  
Rafael Peralta,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK



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

ENTER:



CLERK



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

ENTER:



CLERK



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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

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

Respondent,

-against-

M-207  
Ind. No. 2623/10

John Thomas,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 21, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK



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

ENTER:



CLERK



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

ENTER:



CLERK



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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Alson Alston,  
Petitioner-Appellant,

-against-

M-5875  
Index No. 101818/09

New York City Commission on  
Human Rights, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2010 (mot. seq. no. 004),

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, to deem the aforesaid appeal perfected, 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 in its entirety and, sua sponte, 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 February 21, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----x

Yolanda Garcia,  
Plaintiff-Respondent,

-against-

Westmoreland Construction Inc.,  
et al.,  
Defendants,

M-222  
Index No. 118134/09

Nico Asphalt Paving, Inc.,  
Defendant-Respondent,

Triumph Construction Corp.,  
Defendant-Appellant.

-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about February 22, 2011 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated January 19, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Big Apple Corp.,  
Plaintiff-Appellant,

-against-

M-5737  
Index No. 603141/05

Pretty Girl of 2265 Broadway Corp.,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 4, 2011,

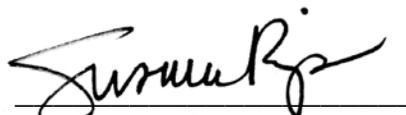
And an order of a Justice of this Court having been entered on December 21, 2011, granting defendants-respondents a stay of proceedings pending hearing and determination of this motion,

And defendants-respondents having moved for dismissal of the aforesaid appeal as untimely taken, 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 and the appeal is dismissed, and the aforesaid relief granted by a Justice of this Court is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Precious Antigua R., and  
Jeremiah Emmanuel R.,

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

**M-71**  
Docket Nos. B28966/08  
B28968/08

- - - - -

Leake & Watts Services, Inc.,  
et al.,  
Petitioners-Respondents,

Silvia C.,  
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 orders of the Family Court, Bronx County, both entered on or about November 18, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq.,

61 Broadway, Suite #1900, New York, NY 10006, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

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

ORDER CORRECTED: FEBRUARY 24, 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 February 21, 2012.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Joseph Rakofsky, et al.,

Plaintiffs,

-against-

M-162  
Index No. 105573/11

The Washington Post Company, et al.,

Defendants.  
-----X

Plaintiff pro se, Joseph Rakofsky, having moved, pursuant to CPLR 5704(a), for an order partially lifting a stay issued by a Justice of the Supreme Court, New York County, dated July 22, 2011, and for other relief,

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

Ordered that the motion is denied 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 February 21, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Everett McArthur,  
Plaintiff-Respondent,

-and-

Donald Smith,  
Plaintiff,

M-17  
Index No. 302339/07

-against-

Act Limo and Stanley Feliz,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 29, 2011, and 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 February 21, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Valiantsina Filatava and  
Sergey Salomonov,  
Plaintiffs-Respondents,

-against-

M-225  
Index No. 106544/07

Rome Realty Group LLC,  
Defendant-Appellant,

John Doe 1-10,  
Defendants.

-----X

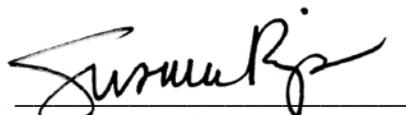
Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about March 22, 2011 (mot. seq. nos. 002, 003, 004), and from the order of said Court entered on or about September 28, 2011, and said appeals having been perfected,

And defendant-appellant having moved to stay a certain inquest 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 February 21, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Albert Togut, as Chapter 7 Trustee  
for Berthenia Singleton,  
Plaintiff-Respondent,

M-5546  
Index No. 302596/08

-against-

Riverbay Corporation,  
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about September 30, 2010 and on or about December 14, 2010, respectively,

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

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

It is ordered that the motion is denied and, sua sponte, the appeals are 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 February 21, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

Stevi Brooks Nichols,  
Plaintiff-Appellant,

-against-

M-21

M-274

Index No. 112297/08

W. Roberts Curtis, Esq., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a further enlargement of time in which to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about July 16, 2010, July 19, 2010 and December 9, 2010, and from an order and judgment of the same Court entered on or about February 18, 2011, respectively (M-21),

And defendants-respondents having cross-moved to dismiss the aforesaid appeals (M-274),

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 enlarging the time in which to perfect the appeals to on or before March 19, 2012 for the June 2012 Term, with no further enlargements to be granted (M-21). The cross motion is granted to the extent of dismissing the aforesaid appeals unless perfected for said June 2012 Term (M-274). Upon failure to so perfect, an order dismissing the appeals may be entered ex parte, provided defendants-respondents serve a copy of this order upon the plaintiff-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 February 21, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Asia Edwards,  
Plaintiff-Respondent,

-against-

M-235  
Index No. 308111/10

Crystal Sosa-Sanchez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 15, 2011,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X

Roberta Ovenseri,

Plaintiff-Respondent,

-against-

**M-178**

Index No. 309370/08

St. Barnabas Hospital,

Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about March 15, 2011 and on or about July 19, 2011, respectively, and said appeals having been perfected,

And defendant-appellant 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 February 21, 2012.

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

-----X  
Jishan Ahmad,

Plaintiff-Respondent,

-against-

M-5516  
Index No. 115755/08

Alshorbagi Bivomi, et al.,

Defendants-Appellants.

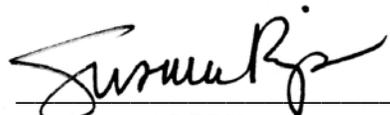
-----X

Defendants-appellants having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about November 10, 2011, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Baker McEvoy, Morrissey & Moskovits, P.C. (Stacy R. Seldin, of counsel), and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2012.

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

-----X  
Cynthia A. Bell,  
Plaintiff-Appellant,

-against-

24-26 East 82nd Street Corporation,  
The Board of Directors, Andrea Bunis  
Management, Inc., Andrea Bunis,  
Carter Ledyard and Milburn, Ronald  
Spencer, Davis Polk & Wardwell,  
Ogden Lewis, Larry Jacobs and  
Jacqueline Eaton,  
Defendants-Respondents.

**M-5633**  
Index No. 117986/09

-----X

An order of this Court having been entered on February 22, 2011 (M-5741A/M-5751A/M-5871A), inter alia, dismissing the appeal from the order of the Supreme Court, New York County, entered on or about September 15, 2010,

And an order of this Court having been entered on June 14, 2011 (M-1397), denying reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of this Court dismissing plaintiff's appeal,

And plaintiff having moved to enjoin defendant Jacqueline Eaton from selling a certain cooperative apartment, 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 February 21, 2012.

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

-----x  
In the Matter of the Application for  
The Custody and Guardianship of

"No Given Name" Z., also known as  
Sarah Elizabeth Z.,

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

**M-5350**  
**M-5240**  
Docket No. B-44971/10

- - - - -  
Harlem Dowling-Westside Center For  
Children and Family Services, et al.,  
Petitioners-Respondents,

Eric B.,  
Respondent-Appellant.

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

-----x  
Respondent-appellant father having moved for leave to prosecute,  
as a poor person, the appeal from an order of the Family Court, New  
York County, entered on or about October 12, 2011, and for assignment  
of counsel, a free copy of the transcript, and for related relief,

And petitioner-respondent Agency having cross-moved for dismissal  
of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the  
motion and cross motion, and correspondence dated December 5, 2011  
from The Center for Family Representation (Rebecca Horowitz, of  
counsel), counsel for respondent-appellant, and due deliberation  
having been had thereon,

It is ordered that the motion, cross motion and the 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 February 21, 2012.

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

-----X  
Mia Salibello,

Plaintiff-Appellant,

-against-

M-4471  
Index No. 570169/11

4Kids Entertainment, Inc., and  
Samuel R. Newborn, Individually,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about June 29, 2011,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

PM ORDERS

ENTERED ON

FEBRUARY 21, 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 February 21, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

Tower Insurance Company of New York,  
Defendant,

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

-against-

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

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

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

-against-

11 Essex Street Corp., Sion  
Misrahi,  
Defendants,

-----X

**M-415**  
Index No. 600176/04

Index No. 110019/04

Index No. 101984/05

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

-against-

Index No. 590172/06

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

-----X

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

-against-

Index No. 590479/06

Safeway Environmental Corp.,  
 Second Third-Party Defendants,

-----X

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

-against-

Index No. 590879/06

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

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

-----X

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

-against-

Index No. 590972/06

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

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

-against-

Index No. 590456/09

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

-----X

Defendant/third third-party defendant-appellant Berzak Gold,  
 P.C. having moved for an enlargement of time in which to perfect its  
 appeal from the order of the Supreme Court, New York County, entered  
 on or about September 10, 2010,

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

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

ENTER:

  
 CLERK