

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 May 10, 2012.

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

-----X
Dumond Chemicals, Inc. and Norman Chanes,
Plaintiffs-Appellants,

-against-

M-1729X
Index No. 651070/11

Herman Dubin, also known as Hy Dubin,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 29, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 9, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

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

-----X
Florence Learsy,
Plaintiff-Appellant,

-against-

M-1785X
Index No. 101290/10

57 Minerva, LLC,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 1, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 12, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

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

-----X

2626 Broadway LLC,

Plaintiff-Appellant,

-against-

Broadway Metro Associates, L.P.,

Defendant-Respondent.

-----X

M-1758

Index No. 105635/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 28, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed April 12, 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It is ordered that the appeal, previously perfected for the February 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 May 10, 2012.

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

-----X
Asia N. Edwards,
Plaintiff-Respondent,

-against-

M-1777
Index No. 308111/10

Crystal Sosa-Sanchez,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 15, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 11, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 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 May 10, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
German American Capital Corporation,

Plaintiff-Respondent,

-against-

M-1214
Index No. 651140/10

Oxley Development Company, LLC,
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 16, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 May 10, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
Michael Cipollaro,
Petitioner,

M-1398
Index No. 251046/11

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

-against-

The Department of Motor Vehicles,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about November 16, 2011,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-1495
Ind. No. 4170/09

Larry White,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 20, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

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

Sarah McL.,
Petitioner-Appellant,

M-1565
Docket No. O-15736-10/10A

-against-

Clarence L.,
Respondent-Respondent.

-----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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, 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**

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

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

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 May 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

In the Matter of

No Given Name D., also known as
Giovanni Maurice D.,

M-1625

Docket No. B10969/09

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

New Alternatives for Children, Inc.,
et al.,

Petitioners-Respondents,

Wilner B.,
Respondent-Appellant.

Neil D. Futerfas, Esq.,
Attorney for Subject Child.

-----X

Joann Bourne, Esq., Family Court attorney for subject child, having moved on child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about April 19, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, 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. The appeal is adjourned to 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 May 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against- **M-1259**
Ind. No. 1694/01

Anthony Hill,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 14, 2009 (M-2752) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2009,

And assigned counsel, Robert S. Dean, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel 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 May 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-1524
Ind. No. 2450/08

Beneto Gumbs,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 3, 2009 (M-5068) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 26, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Joanne Paternostro,
Plaintiff-Appellant,

-against-

136 East 64th Street Corporation,
Defendant-Respondent.

M-1370
Index No. 109561/09

-----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 June 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 the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 May 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Joseph Di Palma, suing individually
and in the right of Shannon's
Rainbow LLC, a Delaware Limited
Liability Company and Shannon's
Rainbow LLC, a Utah Limited
Liability Company,
Plaintiff-Appellant,

-against-

M-1267
Index No. 102253/10

Summitworks, LLC, Frank E. Johnson
Charles Morrison, Shannon's Rainbow
LLC, a Delaware Limited Liability
Company and Shannon's Rainbow LLC,
a Utah Limited Liability Company,
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 June 15, 2011 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 May 10, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Theresa Abdur-Rahman, Administratrix
of the Estate of Jawaad Abdur-Rahman,
Deceased,
Plaintiff-Appellant,

-against-

M-1643
Index No. 309809/10

Catherine G. Pollari, Thomas C.
Pollari, Armao Costa & Ricciardi
CPA PC, Barak Speedy Lube Inc.,
doing business as Speedy Lube
Inc. and The City of New York,
Defendants-Respondents.

-----X

Plaintiff-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 February 8, 2012,

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 April 4, 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 May 10, 2012.

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

-----X
Jason Romero,

Plaintiff-Respondent,

-against-

M-378

Index No. 22741/06

Morrisania Towers Housing Company
Limited Partnership, et al.,

Defendants-Appellants.

-----X

Defendants-appellants First Quality Maintenance, L.P.,
and Limpiar, Inc. having moved for reargument of the decision
and order of this Court entered on January 17, 2012
(Appeal Nos. 6565-6566),

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 May 10, 2012.

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

-----X
In re Timothy Quinn,
Petitioner-Appellant,

-against-

M-1540
Index No. 111048/09

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

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal No. 6893),

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 May 10, 2012.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Crystal Donaldson,
Petitioner-Respondent,

-against-

M-1200
Index No. 260403/10

New York City Housing Authority,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 24, 2012 (Appeal No. 6618N),

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 May 10, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Gard Entertainment, Inc.,
Plaintiff-Respondent-Appellant/
Plaintiff-Respondent,

-against-

M-1724

Index No. 651782/10

Country in New York, LLC,
Defendant,

Adam R. Block,
Defendant-Appellant-Respondent/
Defendant-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 3, 2011; and an appeal having been taken by defendant-appellant from the judgment of said Supreme Court entered on or about August 29, 2011, and said appeals and cross appeal having been perfected,

And defendant-appellant-respondent, Adam R. Block, having moved to strike plaintiff-respondent-appellant's reply brief or, in the alternative, for leave to file a "sur-sur reply" 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 denied, without prejudice to raising the arguments at oral argument.

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 May 10, 2012.

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

-----X
Specialty Insurance Agency, Inc.,

Plaintiff-Appellant,

-against-

M-936
Index No. 650225/12

QBE Specialty Insurance Co.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved pursuant to CPLR 5518 for relief in the nature of a preliminary appellate injunction pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about February 23, 2012,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiffs-appellants dated April 25, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and motion 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 May 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam,
Sallie Manzanet-Daniels, Justices.

-----X
Thelma Creque,
Plaintiff-Respondent,

-against-

M-1198

Index No. 302186/09

William Oxener and Music City Coach,
Inc.,
Defendants-Appellants,

Joseph Quaicoe,
Defendant.

-----X

Defendant Joseph Quaicoe having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 27, 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 and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Thaddeus Jacob C., also known as Baby Boy M.,

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

- - - - -
Leake & Watts Services, Inc.,
Petitioner-Respondent,

Tanya K.M.,
Respondent-Appellant.

M-1509
Docket No. B-14696/08

- - - - -
Andrew Baer, Esq.,
Law Guardian for the Child.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about March 25, 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 unless the appeal is perfected on or before August 6, 2012 for the October 2012 Term. Sua sponte, the time to perfect the appeal is enlarged to said October 2012 Term. Upon failure to so perfect, petitioner-respondent may move on notice to dismiss the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Artep 86 LLC,

Plaintiff-Appellant,

-against-

M-1444

Index No. 651487/10

Petra Capital Management, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about November 25, 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 to dismiss the appeal is granted unless the appeal is perfected on or before August 6, 2012 for the October 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendants-respondents serve a copy of this order upon 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 May 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

-against- M-1225
Ind. No. 1600/02

Quantrell Jones,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about February 17, 2012, 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 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 May 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-1230

Ind. No. 4245/00

Enrique Leon,
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, entered on or about March 26, 2012, **denying resentence**, 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 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.

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 May 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1392
Ind. No. 10/05

Gabriel Vargas,
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, entered on or about February 14, 2012, **denying resentence**, 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 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 May 10, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1394

Ind. No. 2158/01

Gabriel Vargas,
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, entered on or about February 14, 2012, **denying resentence**, 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 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 May 10, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Xiomara M.,
Petitioner-Respondent, **M-153**
Docket No. V-27652-54/08

-against-

Robert M., Jr.,
Respondent-Appellant.

Deborah Gould, Esq.,
The Children's Law Center,
Attorney for the Children.
-----X

Petitioner-appellant father 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 November 15, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

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

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Jared M. and Jaeda M.,

M-1534

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

Docket Nos. NN3043/11
NN3044/11

Administration for Children's Services,
Petitioner-Respondent,

Ernesto C.,
Respondent-Appellant.

Eva Gutfriend, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 21, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949, 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 May 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Moshe Steinmetz,

Plaintiff-Respondent,

-against-

Samuel-Rozenbaum USA, Inc.,

Defendant-Appellant.
-----X

M-1285
Index No. 600808/07

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 23, 2010,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Fitzroy Burnett and Michelle Burnett,
Plaintiffs-Respondents,

-against- M-1450
Index No. 109318/07

City of New York,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order enlarging the time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about June 28, 2011 (mot. seq. no. 003), June 29, 2011 (mot. seq. no. 002), and December 7, 2011, respectively,

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 appeals, which are, sua sponte, consolidated, to on or before September 4, 2012 for the November 2012 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

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 May 10, 2012.

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

-----X
The People of the State of New York
ex rel. Hilary Best,
Petitioner,

-against-

M-1220
Docket No. 61966/11

Warden, Otis Bantum Correctional
Center,
Respondent(s).

-----X

An order of this Court having been entered on March 6, 2012 (M-264) transferring the matter to the Ex Parte Office of the Supreme Court, for the issuance of a writ of habeas corpus,

And petitioner having moved for an order recalling and amending this Court's aforesaid 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 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 May 10, 2012.

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

-----X
American Home Assurance Company,
et al.,
Plaintiffs,

National Union Fire Insurance Company
of Pittsburgh, Pa.,
Plaintiff-Appellant,

SEALED

M-388
Index No. 602485/06

-against-

Everest Reinsurance Company,
Defendant-Respondent,

American Re-Insurance Company,
Defendant.

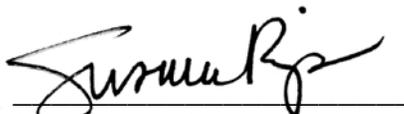
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2011 (Appeal Nos. 6430-6431),

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 May 10, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against- **M-1719**
Ind. No. 1430/03

George Lucas,
Defendant-Appellant.
-----X

An order of this Court having been entered on June 7, 2011 (M-1719), assigning Richard M. Greenberg, Esq. as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2011,

And defendant having moved pro se for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal or, in the alternative, for permission to file a pro se supplemental brief in response to the *Saunders/Anders* brief filed by appellate counsel,

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

It is ordered that the motion is granted to the extent of directing defendant to file 8 copies of his pro se supplemental brief in response to the aforesaid *Saunders/Anders* brief for the October 2012 Term, to which Term the appeal is adjourned. The Clerk is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to defendant and returned to this Court upon defendant's submission of said pro se supplemental brief hereto. 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 May 10, 2012.

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

-----X

Charla Mitchell,

Plaintiff-Appellant,

-against-

M-1207

Index No. 115258/93

The Port Authority of New York and
New Jersey,

Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about March 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 granted and the appeal is dismissed.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

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

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

-against-

M-1412
Ind. No. 4344/07

Joseph Meldish,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 18, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-1135A
Ind. No. 1448/09

Osman Osman,

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 November 30, 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. The order of this Court entered on May 1, 2012 (M-1135) is hereby recalled and 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 May 10, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1299
Ind. No. 3335/10

Alberto Ward,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 10, 2011, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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 May 10, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1479
Ind. No. 2484/90

Isaiah Smith,
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 (Rene White, J.) entered on or about December 21, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 May 10, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1480
Ind. No. 2491/11

Rene Delgado,
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 (Ronald Zweibel, J.) entered on or about February 24, 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 Zweibel as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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 May 10, 2012.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-1496
Ind. No. 1300/10

Dwayne Carter,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 3, 2011 (M-3784) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 23, 2010, and assigning Steven Banks, 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 Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
9 Bleecker LLC,
Plaintiff-Appellant,

-against-

M-1272
Index No. 102710/09

Yippie Holdings, LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 21, 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 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 May 10, 2012.

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

-----X
In re New York Skyline, Inc., et al.,
Petitioners-Appellants,

-against-

M-1449
Index No. 106840/11

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

-----X

Respondents-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal No. 6861),

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 May 10, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

EBC I, Inc., formerly known as
eToys Inc., etc.,

Plaintiff-Appellant,

-against-

Goldman Sachs & Co.,

Defendant-Respondent.

-----X

SEALED

M-105

Index No. 601805/02

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 December 8, 2011 (Appeal No. 5448),

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 May 10, 2012.

PRESENT: Hon. David B. Saxe, 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-1375
Ind. No. 4334/10

Edgardo Cucuta,
Defendant-Appellant.

-----X

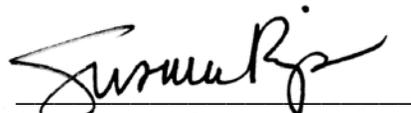
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 27, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 May 10, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Eric Berrios,
Plaintiff-Appellant,

-against-

M-1263
Index No. 21193/06

735 Avenue of the Americas, LLC,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about June 10, 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 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 May 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Gene Ann Criscenti,
Plaintiff-Respondent,

-against-

M-1684

Index No. 104729/06

Verizon, et al.,
Defendants,

Carson Industries, LLC.,
Defendant-Respondent,

Marble Heights of Westchester,
Inc.,
Defendant-Appellant.

-----X

Gene Ann Criscenti,
Plaintiff-Respondent,

-against-

Index No. 103728/07

Communications Construction Group,
LLC, et al.,
Defendants-Respondents,

JEK Communications, Inc.,
Defendant-Appellant.

-----X

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, both entered on or about August 28, 2011 (mot. seq. nos. 001-011), and said appeals having been perfected,

And defendants-appellants Marble Heights of Westchester, Inc. and JEK Communications, Inc., having moved for an order staying 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 May 10, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
James M. Catterson
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Bijan Azimi,
Petitioner,

For a Judgment Pursuant to Article 78 M-221
of the Civil Practice Law and Rules, Index No. 403322/11

-against-

New York City Housing Authority,
Respondent.

-----X

Petitioner having moved for relief in the nature of CPLR 5704(a) with respect to certain relief denied by a Justice of the Supreme Court, New York County, on or about January 13, 2012,

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 May 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
72A Realty Associates,
Petitioner-Landlord/Appellant-
Respondent,

-against-

M-1854
Index No. 570514/10

Sandra Lucas,
Respondent-Tenant/Respondent-
Appellant.

- - - - -
Community Housing Improvement Program
of New York, Inc.,
Amicus Curiae.

-----X
An order of the Appellate Term having been entered in the office of the Clerk of the Supreme Court, New York County, on or about September 20, 2011, granting both petitioner 72A Realty Associates and respondent Sandra Lucas leave to appeal to this Court, and said appeals having been perfected,

And Community Housing Improvement Program of New York, Inc. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted to the extent of granting movant leave to submit 9 copies of an amicus curiae brief forthwith.

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 May 10, 2012.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
IN RE: New York City Asbestos
Litigation

Lawrence Bernard and Marilyn
Bernard, as Co-Executors of the
Estate of Shelly Bernard,
Plaintiffs-Respondents,

M-1874
Index No. 107211/08

-against-

Brookfield Properties Corp.,
et al.,
Defendants,

Colgate-Palmolive Company,
Defendant-Appellant.

-----X
Lori Konopka-Sauer and Richard
Konopka as Executors of The
Estate of Karen Tedrick,
Plaintiffs-Respondents,

Index No. 190078/08

-against-

Colgate-Palmolive Company,
Defendant-Appellant.

-----X
Arlene Feinberg and Jacob Feinberg,
Plaintiffs-Respondents,

Index No. 190070/11

-against-

Colgate-Palmolive Company,
Defendant-Appellant.

-----X

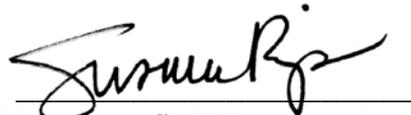
An appeal having been taken from the order of the Supreme Court, New York County (under Index Nos. 107211/08, 190078/08 and 190070/11), entered on or about March 1, 2012, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order permitting them to supplement the record on appeal with an Appendix on 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 order that references in respondent's brief to the Record on Appendix shall be disregarded.

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 May 10, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Manuel Borbon,
Plaintiff-Appellant,

-against-

M-1331
Index No. 6074/07

Juan C. Pescoran, et al.,
Defendants-Respondents.

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

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals from the judgments of the Supreme Court, Bronx County, entered on or about February 9, 2011 and March 22, 2011, respectively,

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 appeals to the November 2012 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2012.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Richard Djeddah,
Plaintiff,

-and-
Rachel Djeddah,
Plaintiff-Appellant,

-against-
Daniel Turk Williams,
Defendant-Respondent.

M-1835
Index No. 111319/95

-----X

Plaintiff-appellant Rachel Djeddah having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 24, 2011 (mot. seq. no. 009),

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 November 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 May 10, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X

Ingrid Jno-Charles,
Petitioner-Appellant,

M-944

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

Index No. 402238/10

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about January 13, 2011, and said appeal having been perfected,

And petitioner having moved to enlarge the record on appeal by admitting into evidence certain photographs and reports,

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 May 10, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
TJM Construction Corp. and QBE
Insurance,
Plaintiffs-Respondents,

-against-

M-1546

Index No. 108211/08

AWCI Insurance Company, Ltd. (related
to an underlying action entitled
*Gilbert Gonzalez v TJM Construction
Corp., et al.*),
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 30, 2011 (mot. seq. no. 003),

And plaintiffs-respondents having moved for an order dismissing defendant's appeal or, in the alternative, direct defendant to amend the record on appeal and to strike a certain portion of appellant's brief,

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

Ordered that the motion is denied, without prejudice to movants submitting a supplemental record on appeal which includes a certain affidavit of service dated August 24, 2010, and without prejudice to movants addressing the issue in the respondent's brief.

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 May 10, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Curtis L. Willing,

Plaintiff-Appellant,

M-1292

Index No. 600809/09

-against-

Alan Brent Truitt,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2011 (mot. seq. no. 003), and said appeal having been perfected,

And defendant having moved for an order dismissing plaintiff's appeal or, in the alternative, dismissing certain portions of plaintiff's appeal or to strike plaintiff's appendix on 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 plaintiff to file a supplemental appendix containing the documents appearing at Exhibit E to the affirmation of Alan L. Bushlow, Esq. submitted in support of the motion, and the motion is otherwise denied, without prejudice to raising substantive arguments on appeal.

ENTER:


CLERK