

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 17, 2012.

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

-----X  
China Development Industrial Bank,  
Plaintiff-Appellant,

-against-

M-1868X  
Index No. 650957/10

Morgan Stanley & Co. Incorporated,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 8, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 17, 2012.

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

-----X  
LC Footwear, LLC, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-1870X  
Index No. 651907/10

L.C. Licensing, Inc. and Liz  
Claiborne, Inc.,  
Defendants-Appellants-Respondents.  
-----X

Cross-appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 16, 2011,

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

It is ordered that the cross-appeals are withdrawn in accordance with the aforesaid stipulation.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 May 17, 2012.

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

-----X  
David J. Diamond, as Liquidating  
Trustee of the Bricolage Capital LLC  
Liquidating Trust,  
Plaintiff-Respondent,

-against-

M-1943  
Index No. 600573/09

Ernst & Young, LLP,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 20, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 18, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 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 17, 2012.

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

-----X

Rex Harris,  
Plaintiff-Respondent,

-against-

Gilbert Parker,  
Defendant-Appellant.

-----X

M-1884  
Index No. 102854/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 21, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated April 18, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 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 17, 2012.

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

-----X  
In the Matter of

Habib J.,

M-1869  
Docket No. D-21011/10

A Person Alleged to be a Juvenile  
Delinquent,  
Respondent-Appellant.

-----X

Appeals having been taken from orders of the Family Court, Bronx County, entered on or about November 12, 2010, December 13, 2010 and February 18, 2011, respectively,

Now, upon reading and filing the stipulation of the parties, dated April 18, 2012, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the September 2012 Term, are withdrawn in accordance with the aforesaid stipulation.

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 May 17, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-1609  
Ind. No. 5488N/10

Austin Lee,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 31, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 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-1865  
Ind. No. 89/11

Jaquan Layne,

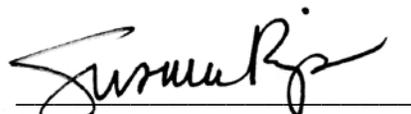
Defendant-Appellant.  
-----X

An order of this Court having been entered on February 16, 2012 (M-192), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 29, 2011, 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, Glenn R. Abolafia, Esq., 80 Wall Street, Suite 815, New York, NYY 10005, Telephone No. 212-227-4716, 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 17, 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-1890**  
Ind. No. 112/11

Jason Salters,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on February 21, 2012 (M-204) 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 13, 2011,

And assigned counsel, The Legal Aid Society, having moved for an order of this Court relieving Steven Banks, Esq., and The Legal Aid Society, 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, and

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 17, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Autumn Brockman,  
Plaintiff-Respondent-Respondent,

-against-

Cipriani Wall Street,  
Defendant-Appellant-Respondent.

M-1893  
M-2165

-----X  
Cipriani Wall Street,  
Third-Party Plaintiff-Appellant-  
Respondent,

Index No. 104660/10

-against-

Exquisite Staffing LLC,  
Third-Party Defendant-Respondent-  
Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 30, 2012, and said appeal and cross-appeal having been perfected,

And third-party plaintiff-appellant-respondent Cipriani Wall Street and third-party defendant-respondent-appellant Exquisite Staffing LLC having moved separately for a stay of trial pending hearing and determination of the aforesaid appeal and cross appeal (M-1813/M-2165),

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

It is ordered that the motions are granted to the extent of continuing the interim stay granted by an order of a Justice of this Court, dated April 19, 2012, pending hearing and determination of the aforesaid appeal and cross 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 17, 2012.

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

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

-against-

**M-1063**  
Ind. No. 3709/09

Michael Outerbridge,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2011,

And defendant having moved to be provided with a copy of the minutes of the proceedings in Supreme Court, New York County, Part 22 (Stolz, J.), occurring on April 26, 2010, as set forth in the moving papers, 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 directing the Clerk of Supreme Court, New York County, to provide the aforementioned minutes related to New York County Ind. No. 3709/08, if same exist, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

-----X  
Patricia Ynoa,  
Plaintiff-Appellant,

-against-

M-1453  
Index No. 25261/04

New York City Transit Authority,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on March 1, 2012 (Appeal No. 6967),

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 17, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X

In the Matter of the Application of  
Claude Stephens,  
Petitioner,

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

**M-1390**  
Index No. 107449/09

-against-

State of New York, State University  
of New York Downstate Medical Center,

Respondents.

-----X

An order of this Court having been entered on January 31, 2012 (M-5439) denying petitioner an enlargement of time in which to perfect his appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 28, 2009, and, sua sponte, dismissing the appeal; and said order of this Court having been recalled and vacated and replaced by a new order entered on May 17, 2012 (M-5439A) which reflects the correct Supreme Court, New York County, Index No. 107449/09,

And plaintiff having moved for an enlargement of time in which to perfect his dismissed appeal, and for related relief,

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

It is ordered that the motion is denied, said appeal having been dismissed, as previously indicated above. (See M-5493A, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
Claude Stephens,  
Petitioner-Appellant,

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

**M-5493A**  
Index No. **107449/09**

-against-

State of New York, State University  
of New York Downstate Medical  
Center,  
Respondent-Respondent.

-----X

Petitioner-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 July 28, 2009,

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

It is ordered that the motion is denied, *sua sponte* the appeal is dismissed. (The order of this Court entered on January 31, 2012, is hereby recalled and vacated. See M-1390, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Tribeca Lending Corp.,  
Plaintiff-Respondent,

-against-

M-2012  
Index No. 105275/07

Gregory Bartlett,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying eviction pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 2011 (mot. seq. no. 006),

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 17, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
Syncora Guarantee Inc.,  
Plaintiff-Appellant-Respondent,

M-2199

-against-

Index No. 650042/09

Countrywide Home Loans, Inc., et al.,  
Defendants-Respondents-Appellants.

- - - - -

MBIA Insurance Corp.,  
Plaintiff-Respondent-Appellant,

-against-

Countrywide Home Loans, Inc., et al.,  
Defendants-Appellants-Respondents,

Index No. 602825/08

-and-

Bank of American Corporation,  
Defendant.

-----x

And appeal and cross appeal having been taken to this Court (Index No. 650042/09) from the order of the Supreme Court, New York County, entered on or about January 3, 2012 (mot. seq. no. 015),

And an appeal and cross appeal having been taken to this Court (Index No. 602825/08) from the order of said Court entered on or about January 3, 2012 (mot. seq. no. 037),

And the parties having jointly moved for consolidation of the aforesaid appeals and cross appeals, for an enlargement of time to perfect same, and for other relief,

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

It is ordered that the motion is granted only to the extent of directing the Clerk to calendar the appeal and cross appeal from the order entered January 3, 2012 (mot. seq. no. 037)(Index No. 602825/08) for hearing together on the same day as the appeal and cross appeal from the order entered January 3, 2012 (mot. seq. no. 015) (Index No. 650042/09) during the October 2012 Term, if so perfected. The parties are to abide by this Court's rules with respect to filing deadlines and the contents of the records and briefs. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

-----X  
The People of the State of New York  
ex rel. Dwayne Parker-El,  
Petitioner-Appellant,

-against-

Joanna Davis, Warden, George Motchan  
Detention Center, Rikers Island  
Correctional Facility,  
Respondent-Respondent.

**M-1538**  
Docket No. 62570C/10  
Index No. 340022/12

-----X

An order of this Court having been entered on November 29, 2011 (M-3855), inter alia, granting petitioner's application for a writ of habeas Corpus, to the extent of transferring the matter for hearing before the Supreme Court, Bronx County,

And petitioner having moved for leave to prosecute, as a poor person, the purported appeal from the denial of the aforesaid writ, for leave to have the appeal heard on 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 denied, as premature, said writ having not yet been decided by the Supreme Court, Bronx County.

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 17, 2012.

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

-----X  
Natalie O. Davis,  
Plaintiff-Appellant,

Rugless N. Maxwell,  
Plaintiff,

**M-1397**  
Index No. 308806/08

-against-

Mohammed Alnhmi, et al.,  
Defendants-Respondents,

Wendy Camacho, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 3, 2011, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to file a supplemental record on appeal containing certain documents detailed in the moving papers,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated March 26, 2012, and due deliberation having been had thereon, it is

Ordered that the motion 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 May 17, 2012.

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

-----X  
Tylon Lee,  
Plaintiff-Respondent,

-against-

M-1359  
Index No. 309706/09

Suryakant Patel and Alap Patel,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 31, 2011,

And a order of this Court having been entered on or about April 12, 2012 (M-1297X), having withdrawn the aforesaid appeal,

And defendants-appellants having moved for an enlargement of time in which to perfect their appeal,

It is ordered that the motion is deemed withdrawn, said appeal having been withdrawn by the order of this Court entered on or about April 12, 2012 (M-1297X).

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 17, 2012.

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

-----X  
Desiree Fortich, et al.,  
Plaintiffs-Appellants,

-against-

**M-1610**  
Index No. 300963/08

Alex Jenny Ky-Miyasaka, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about December 22, 2011,

And defendants-respondents having moved for an order compelling plaintiffs to immediately perfect their appeal,

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

Ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected on or before September 4, 2012 for the November 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 the plaintiffs-appellants 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 17, 2012.

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

-----X  
Verizon New York, Inc.,  
Plaintiff,

-against-

M-1282  
M-1763  
Index No. 590258/07

Keyspan Gas East Corporation,  
Keyspan Energy Corporation and Ocean  
Electric Corporation,  
Defendants-Respondents,

Hawkeye LLC,  
Defendant-Appellant.

-----X  
Hawkeye, LLC,  
Third-Party Plaintiff-Appellant,

-against-

Third Party  
Index No. 590258/07

Utilities Plus Corporation,  
Third-Party Defendant.

-----X

Defendant/third party plaintiff-appellant Hawkeye, LLC having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 22, 2011 (M-1282),

And defendant-respondent Ocean Electric Corporation having cross moved to dismiss the aforesaid appeal for failure to timely perfect (M-1763),

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 for an enlargement of time in which to perfect the aforesaid appeal is granted to the October 2012 Term (M-1282). The cross motion to dismiss the appeal is granted to the extent of dismissing the appeal unless perfected for said October 2012 Term (M-1763).

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 17, 2012.

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

-----X  
How Shim Yu,  
Plaintiff-Appellant,

-against-

M-1074  
M-1173  
Index No. 117206/04

General Security Insurance Co.,  
etc.,  
Defendant-Respondent.

-----X

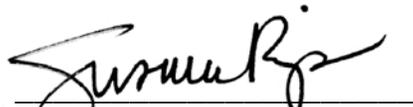
Defendant-respondent General Security Insurance Co. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal No. 6124), and for related relief (M-1074),

And defendant-respondent General Security Insurance Co. having moved separately for a stay of judgment pending hearing and determination of the instant order (M-1173),

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

It is ordered that so much of the motion which seeks reargument (M-1074) is granted and, upon reargument, the decision and order of this Court entered on February 23, 2012 (Appeal No. 6124) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 6124 decided simultaneously herewith.) The motion is otherwise denied. The motion for a stay of judgment is denied as moot (M-1173).

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 17, 2012.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

M-1846A  
Ind. No 2681/09

Kevin Blackwood,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 17, 2011 (M-620) 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 2, 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 retained counsel Audrey A. Thomas, Esq. To prosecute the appeal. The poor person relief previously granted is otherwise 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. The order of this Court entered on June 28, 2011 (M-1846) 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 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

-against-

**M-1515**  
Ind. No. 222/03

Robert Medina,  
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 20, 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 17, 2012.

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

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

-against-

M-1521  
Ind. No. 4081/09

Jose Palaguachi, also known as  
Jose Palagauchi,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of appellate counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 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-1229  
Ind. No. 1220/07

Ovidio Rodriguez,  
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 (Tallmer, J.) entered on or about March 1, 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 Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

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

Kay Y.,  
Petitioner-Respondent,

**M-1355**  
Index No. F2593-07/09E

Henry F.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 18, 2011, and for assignment of counsel, a free copy of the transcript, 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 only to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term, and is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 17, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sheila Abdus-Salaam, Justices.

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

-against-

T. P.,  
Defendant-Appellant.

**SEALED**

M-1361

Ind. Nos. 4635/09  
743/10

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 21, 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 10 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
In re Paul Murphy,  
Petitioner-Respondent,

-against-

M-926  
Index No. 101005/10

New York State Division of Housing  
and Community Renewal,  
Respondent-Appellant,

SouthBridge Towers, Inc.,  
Respondent.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 12, 2012 (Appeal No. 6524),

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 17, 2012.

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

-----X  
Ambac Assurance Corporation, et al.,  
Plaintiffs-Appellants,

-against-

M-1183  
Index No. 600070/10

DLJ Mortgage Capital, Inc., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 7, 2012 (Appeal No. 6725),

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 17, 2012.

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

-----X  
Glenford McDonald,  
Plaintiff-Respondent,

-against-

M-1250  
Index No. 112282/07

New York City Transit Authority,  
MABSTOA and Allison Burnett,  
Defendants-Appellants,

-and-

Sanitary Plumbing & Heating Corp.  
and Mark S. Shell,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about May 26, 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 17, 2012.

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

-----X  
Glendora Young and Dennis Young,  
Plaintiffs-Respondents,

-against-

M-1471  
Index No. 304153/08

New York City Transit Authority,  
Defendant-Respondent,

-and-

The City of New York,  
New York City Department of  
Transportation, Cemusa NY, LLC and  
Shelter Express Corp.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about May 19, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2012 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

-----X  
Pedro J. Rivas,  
Plaintiff-Respondent,

-against-

M-1557  
Index No. 13185/07

New York City Transit Authority,  
and Manhattan and Bronx Surface  
Transit Operating Authority,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about June 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 17, 2012.

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

-----X  
International Plaza Associates, L.P.,  
Plaintiff-Respondent,

-against-

M-1702  
Index No. 110711/06

Michael A. Lacher, Law Office of  
Michael A. Lacher, LLP, doing business  
as Lacher & Lovell-Taylor,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 12, 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 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 17, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Vance Steinbergin,  
Plaintiff-Respondent,

-against-

M-1511  
Index No. 116814/07

Safda Ali and S.P. DiPoumbi-Ngwe,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 25, 2011, and said appeal having been perfected,

And defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

-----x  
Maria Silverio,  
Plaintiff-Respondent,

-against-

M-1346  
Index No. 306762/09

Ronny M. Arvelo and ER Livery  
Service, Inc.,  
Defendants-Appellants.

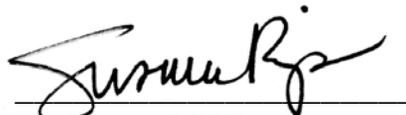
-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 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 granted to the extent of enlarging the time 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 17, 2012.

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

-----X  
James Prestigiacomo and Cynthia  
Prestigiacomo,  
Plaintiffs-Respondents,

-against-

M-1580  
Index No. 102979/09

Shorenstein Realty Services East LLC  
and SRI Six 125 Park LLC,  
Defendants-Respondents.

-----X  
Shorenstein Realty Services East LLC  
and SRI Six 125 Park LLC,  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party  
Index No. 590453/09

Able Engineering Services, Inc.,  
Third-Party-Defendant-Appellant.

-----X

Third-party defendant Able Engineering Services, Inc. having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 25, 2011 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 17, 2012.

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

-----X  
Aaron Elkin,  
Plaintiff,

-against-

**M-1779**

Index No. 105411/08

Andrea Labis,  
Defendant.

-----X

Appeals having been taken by plaintiff from orders of the Supreme Court, New York County, entered on or about November 16, 2009 and from a judgment of the same Court entered on or about January 22, 2010 and four separate orders of the same Court entered on or about April 25, 2011,

And an ex parte order of this Court having been entered on April 18, 2012 (M-1844) dismissing all of plaintiff's aforesaid appeals,

And plaintiff having moved for an order consolidating the aforesaid appeals taken from the orders entered on or about April 25, 2011, and enlarging the time in which to perfect same,

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

Ordered that the motion is denied as academic, plaintiff's appeals having been dismissed by the aforesaid ex parte order of this Court dated April 18, 2012 (M-1844).

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 17, 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  
ex rel. Leonard J. Levenson on behalf  
of Scott Kupersmith,  
Petitioner-Appellant,  
  
-against-  
  
John Bilich, etc.,  
Respondent-Respondent.  
-----X

M-1601  
SCI No. 30042/12  
Index No. 4360/11

A purported appeal having been taken from a decision of the Supreme Court, New York County, dated March 21, 2012,

And petitioner-appellant having moved for an order "reversing" the aforesaid decision which denied petitioner's application for a writ of habeas corpus and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated May 2, 2012, and due deliberation having been had thereon,

It is ordered that the motion and purported appeal are deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 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-1447  
Ind. No. 1996N/10

Jocelyn Pierre,  
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 February 9, 2012, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 serve one copy of such brief upon the District Attorney of said county and file 8 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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.

Defendant-appellant's time in which to perfect the appeal is 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 17, 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-1401  
Ind. No. 6052/10

Eugene Cohen,  
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 17, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, 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 source(s) of funds used to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

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

-against-

**M-1373**  
Ind. No. 3280/10

Hipolito Ramos,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 15, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed 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, Telephone No. , 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 17, 2012.

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

-----X

In the Matter of

Julissa A.,

Petitioner-Appellant,

-against-

Martin O.,

M-1766  
Docket No. F-15689/11

Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about January 4, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz, 339 West 88<sup>th</sup> Street, Apt.#3, New York, N.Y. 10024, Telephone No. (917)886-5620, 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;**

---

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

(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 17, 2012.

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

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

Eugenia D.,

A Dependent Child Under the Age of 18 Years Pursuant to §384-b of the Social Services Law,

Commissioner of Social Services of the City of New York, on behalf of Jamilah G.,  
Petitioner-Respondent,

M-2014  
Docket No. P-21659/90

Eugene D.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about March 26, 2012, for assignment of counsel, a free copy of the transcript, and 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 May 17, 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-1372  
Ind. No. 2211/10

Cristian Diazarvelo, also known as  
Aneudy,  
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, Bronx County, rendered on or about May 24, 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 only to the extent of deeming the notice of appeal timely filed.

The motion, insofar as it seeks poor person relief is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels Howard Greenberg, Esq. and Andrew Marshall, Esq., as well as the amount and sources of funds for trial counsels' fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2012.

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

-----X  
Atlantic Aviation Investments LLC,  
Plaintiff-Respondent,

-against-

M-721  
Index No. 602286/09

MatlinPatterson Global Advisers LLC,  
et al.,  
Defendants-Appellants.

- - - - -  
[And a Third Party Action].  
-----X

Defendants-appellants 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 February 7, 2012 (Appeal No. 6743),

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 17, 2012.

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

-----X

Efraim Shurka,  
Plaintiff-Respondent,

-against-

Jane Shurka,  
Defendant,

M-1808  
Index No. 304584/08

-and-

Esther Zernitsky,  
Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2012,

And appellant having moved for a stay of enforcement of the order appealed pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of staying so much of the order that directed Esther Zernitsky to herself satisfy certain arrears in spousal maintenance or support, pay certain housing and personal expenses of the plaintiff, and surrender her passport on condition the appeal is perfected for the October 2012 Term, and otherwise denied. Upon failure to so perfect plaintiff-respondent may move on notice for an order vacating the stay.

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 17, 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  
-----X

Ronald Dummitt and Doris Kay Dummitt,  
Plaintiffs-Respondents,

-against-

M-1882  
Index No. 190196/10

A.W. Chesterton, et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.

-----X

Defendant-appellant Crane Co. 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 July 1, 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 November 2012 Term with leave to seek further enlargements if necessary.

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
MAY 15, 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 May 15, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x

Pat Roddy,  
Plaintiff,

-against-

Nederlander Producing Company of  
America, Inc., The Gershwin Theatre,  
Defendants-Respondents.

M-1849  
Index No. 113659/02

- - - - -  
The Gershwin Theatre,  
Third-Party Plaintiff-Respondent,

-against-

Abhann Productions, Inc.,  
Third-Party Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 9, 2011 (mot. seq. no. 015), and said appeal having been perfected,

And third-party defendant-appellant Abhann Productions, Inc. having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
MAY 17, 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 May 17, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
AllianceBernstein L.P.,

Plaintiff-Appellant,

-against-

M-2048  
Index No. 651033/12

William H. Atha,

Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 19, 2012,

And plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction modifying certain provisions of the aforesaid order appealed,

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

