

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 22, 2012.

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

-----X  
Hui Ping Huang,  
Plaintiff-Respondent,

-against-

M-2022X  
Index No. 350098/08

Zeng Sui Liu,  
Defendant-Respondent.

-----X  
Xiu Ming Liu,  
Plaintiff-Appellant,

-against-

Hui Ping Huang,  
Defendant-Respondent.

-----  
(And other actions)

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 24, 2012 (mot. seq. no. 014),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2012.

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

-----X  
Doyle & Doyle Ventures, Inc.,  
Plaintiff-Respondent,

-against-

M-2023X  
Index No. 113607/08

Lucky's Inc., Lucky Conti and Lucky of  
195 Madison Roofing & Contracting, Inc.,  
Defendants-Appellants.

-----X

An appeal having been taken from the amended order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 5, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2012.

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

-----X  
9<sup>th</sup> St. Restaurant LLC,  
Plaintiff-Respondent,

-against-

M-2024X  
Index No. 103235/10

Penquin Tenants Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 14, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 19, 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 22, 2012.

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

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

-against-

M-2055  
Ind. No. 2889/06

Alexander Payne,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 7, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated March 31, 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 22, 2012.

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

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

-against-

M-2056  
Ind. No. 4577/10

Dwayne Fleming,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 22, 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 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 22, 2012.

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

-----X  
Gioacchino Augello and Maria Augello,  
Plaintiffs-Respondents,

-against-

M-2060X  
Index No. 109625/06

New York City School Construction  
Authority, et al.,  
Defendants-Appellants.

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

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 16, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 2012, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

-----X  
Forest Laboratories, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

M-2021X  
Index No. 600219/10

Arch Insurance Company,  
Defendant-Appellant-Respondent,

Old Republic Insurance Company, et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 6, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 19, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 22, 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-1780  
Case No. 15403C/11

Albin A. Almanzar,  
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 March 9, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

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 22, 2012.

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

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

-against-

M-1782  
Ind. No. 2883/07

Randy Barnell, also known as  
Randall Bennett,  
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 March 9, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

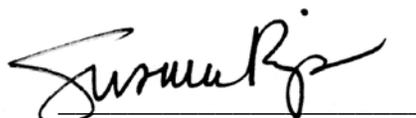
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 22, 2012.

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

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

-against-

M-1786  
Ind. No. 2201/09

Brian Degraffenreid, also known as  
Bryant Degraffenreid,  
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 January 12, 2012, 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 22, 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-1789  
Ind. No. 5459N/10

Dagoberto Garcia,  
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 June 2, 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 22, 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-1790  
Ind. No. 2906/08

Anibal Joaquin,  
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 May 23, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 22, 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-1793  
Case No. 50730C/11

Osvand Ramos-Medina,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, Bronx County, rendered on or about March 21, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

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 22, 2012.

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

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

-against-

M-1795  
Ind. No. 1065/11

Steven Midgette,  
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 March 8, 2012, 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 22, 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-1796  
Ind. No. 3480/09

Charles McDowell,  
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 March 12, 2012, 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 22, 2012.

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

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

-against-

M-1797  
Ind. No. 1762/08

Patrick Morgan,  
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 February 7, 2012, 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 22, 2012.

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

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

-against-

M-1798  
Ind. No. 4007/10

Francisco Rodriguez,  
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 March 21, 2012, 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 22, 2012.

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

-----X  
Lindsey Kupferman Nederlander,  
Plaintiff-Respondent,

-against-

M-1896  
Index No. 350510/07

Eric Nederlander,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2012,

And defendant-appellant having moved for a stay of so much of the order appealed as directed him to pay 50% of the outstanding balances on two mortgages on the parties jointly titled condominium, Unit 1-J at 345 West 13<sup>th</sup> Street, New York, New York, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the September 2012 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

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

-against-

M-1378  
Index No. 101818/09

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

-----X

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

And an order of this Court having been entered on February 21, 2012, having denied petitioner-appellant's motion for leave to prosecute the aforesaid appeal as a poor person, and related relief and dismissing said appeal (M-5875),

And petitioner-appellant have moved for reargument and/or reconsideration of the aforesaid order of this Court entered on February 21, 2012, (M-5875), and for alternative relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

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

-against-

M-1542  
Ind. No. 10357/96

Fran Valdez,  
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 September 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 moving papers a timely filed notice of appeal.

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 22, 2012.

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

-----X  
David S. Dinhofer, M.D.,  
Plaintiff-Appellant,

-against-

M-1146  
Index No. 602456/09

Medical Liability Mutual Insurance  
Company, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 9, 2012 (Appeal No. 6767-6768),

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 22, 2012.

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

-----X

Kowanna Groom,  
Plaintiff-Respondent,

-against-

M-1395  
Index No. 300788/08

Sagamore Realty, et al.,  
Defendants-Appellants.

-----X

An order of this Court having been entered on March 15, 2012 (M-359/M-421), inter alia, dismissing defendants-appellants' appeal from the order of the Supreme Court, Bronx County, entered on or about December 16, 2011,

And defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on March 15, 2012 (M-359/M-421),

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 22, 2012.

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

-----X

In re Bahram Benaresh,  
Petitioner,

-against-

M-1244  
Index No. 112629/10

New York City Loft Board, et al.,  
Respondents.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 14, 2012 (Appeal No. 6808),

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 22, 2012.

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

-----X  
Danuta Galinat,  
Plaintiff-Appellant,

-against-

M-1389  
Index No. 105467/08

Melody Smith, doing business as  
Excellent Organizing and Design,  
et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 25, 2011 (mot. seq. no. 004), as untimely taken (CPLR 5513[a]),

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 22, 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 Commitment of the Guardianship and Custody of

Angelica Milagros C.,

A Child Alleged to be Neglected and/or Abused Pursuant to § 384-b of the Social Services Law of the State of New York.

- - - - -

The Children's Village, et al.,  
Petitioners-Respondents,

M-1508  
Docket No. B-29963/07

Josefina C.,  
Respondent-Appellant.

- - - - -

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

-----X

Petitioner-respondent agency moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about May 23, 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 22, 2012.

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

-----X  
In the Matter of

Stephon Joel M.,

A Dependant Child under of 15 years of Age, An Abandoned Child, Pursuant to Section 384-b of the Social Services Law of the State of New York.

- - - - -  
Graham-Windham Services to Families and Children,  
Petitioner-Respondent,

M-1491  
M-1550  
Docket No. B-639/11

Miyella M.,  
Respondent-Appellant

- - - - -  
Tamara A. Steckler, Esq.,  
Attorney for the Child.

-----X

Petitioner-respondent Graham-Windham Services to Families and Children having moved for dismissal of the appeal from the order of the Family Court, Bronx County, entered on or about November 28, 2011 (CPLR 5513[a])[M-1497], as untimely taken,

And respondent-appellant having cross-moved for leave to prosecute the aforesaid appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief [M-1550],

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

It is ordered that the motion is granted and the appeal is dismissed [M-1491], without prejudice to further proceedings in Family Court, Bronx County, by the respondent to vacate her default, if so advised. The cross motion is denied, as academic [M-1550].

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 22, 2012.

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

-----X  
Neil Reese and Gladys Reese,  
Plaintiffs-Appellants,

-against-

M-1504  
Index No. 16763/04

110 Church LLC, 120 Church Street  
Corp., Zar Realty Management Corp.,  
Lionshead 110 Development, LLC,  
Monarch Real Estate Management, LLC,  
Worldwide Holdings Corp. and Marson  
Contracting Co. Inc.,  
Defendants-Respondents.

-----X

Defendants-respondents 120 Church Street Corp. and Zar Realty Management Corp. having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 19, 2012, with respect to 120 Church Street Corp. and Zar Realty Management Corp.,

Now, upon reading and filing the papers with respect to the motion, and the stipulations between the parties dated April 10, 2012 and April 13, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and the appeal is deemed withdrawn as to defendants-respondents 120 Church Street Corp. and Zar Realty Management Corp. only. The appeal remains extant as to the remaining respondents.

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 22, 2012.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Nelson S. Román, Justices.

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

-against-

M-1647  
Ind. No. 1675/09

Keston Brown,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 10, 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 22, 2012.

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

-----X

In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

M-1856

For Commitment Under Article 10  
of the Mental Hygiene Law,

Index No. 251812/08

-against-

William W.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 12, 2011,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[b], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the 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 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 22, 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

Amir L.,

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

**M-1532**  
Docket No. N32082/11

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

Racard L.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 5, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

<sup>1</sup>Service 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 22, 2012.

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

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

-against-

M-1494  
Ind. No. 2549/10

Tyrone McQueen,  
Defendant-Appellant.

-----X

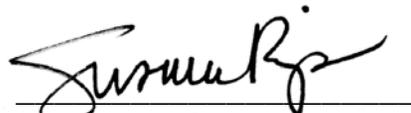
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 19, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and 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 moving papers a timely filed notice of appeal.

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 in the County of New York on May 22, 2012.

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

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

-against-

M-1489  
Ind. No. 2074/09

Carlos Delarosa, also known as  
Carlos De La Rosa,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 16, 2012 (M-779), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about November 18, 2009,

And assigned counsel 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, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 22, 2012.

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

-----X  
Tadco Construction Corp. and  
US Fire Insurance Company,  
Plaintiffs-Appellants.

-against-

M-1287  
Index No. 600037/07

Dormitory Authority of the State  
of New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant Tadco Construction Corp. 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 June 3, 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 22, 2012.

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

-----X  
Chibcha Restaurant, Inc., doing  
business as Oxes Nightclub and  
Miguel Rojas,  
Plaintiffs-Appellants,

-against-

M-1619  
Index No. 112224/10

David A. Kaminsky & Associates,  
P.C., et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 2, 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 22, 2012.

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

-----X  
Rondi D'Agostino,  
Plaintiff-Appellant,

-against-

M-1887  
Index No. 651452/11

Ling Kwok, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 17, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 22, 2012.

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

-----X  
In re Daniel Z. Rapoport, et al.,

Executors of the Estate of

Boris Lurie,  
Deceased.

- - - - -  
American Friends of New Communities  
in Israel Inc., et al.,  
Proposed Intervenor-Appellants,

M-1560  
Surrogate's Court  
File No. 666/08

Richard Nadelman, et al.,  
Petitioners-Respondents,

Boris Lurie Art Foundation,  
Respondent-Respondent,

Elizabeth Goodman,  
Respondent.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about August 22, 2011,

And proposed intervenors-appellants having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 22, 2012.

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

-----X  
Bank of New York, as Trustee for the  
Certificateholders of CWALT 2005-38,  
Plaintiff-Respondent,

-against-

M-1443  
M-1642  
Index No. 116822/06

Jonathan M. Hunt, also known as  
Jonathan McIndoe Hunt, Executor of  
the Estate of Lavina Nihoul Lounsbury,  
et al.,  
Defendants-Respondents,

Paul C. Lounsbury, also known as  
Paul Craig Lounsbury, heir to the  
Estate of Lavina Nihoul Lounsbury,  
also known as Lavina Lounsbury,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 23, 2010 (M-1443),

And plaintiff-respondent Bank of New York having cross-moved to deny any further enlargements and dismiss the aforesaid appeal, and for related relief (M-1642),

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

It is ordered that the motion is denied (M-1443). The cross motion is granted to the extent of dismissing the appeal (M-1642).

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 22, 2012.

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

-----X

In the Matter of Nelson Perez,  
Petitioner-Appellant,

-against-

M-1836

M-2120

Battery Park City Authority,  
Defendant-Respondent.

Index No. 260301/11

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 16, 2011 (M-1836),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-2120),

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2012 Term (M-1836). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days from the date of entry hereof (M-2120).

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 22, 2012.

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

-----X

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

-----

**M-1691**

Francis G. W.,  
Petitioner-Respondent,

Docket No. V14719/11

-against-

Edith M.,  
Respondent-Appellant.

-----X

An appeal having been taken from an Order of Visitation of the Family Court, Bronx County, entered on or about March 29, 2012,

And respondent-appellant mother having moved for a stay of the aforesaid Order of Visitation pending hearing and determination of the appeal,

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

Ordered that the motion is denied, with leave to renew upon respondent-appellant mother's submission of a notarized affidavit of service of the present stay motion demonstrating service on petitioner-respondent father, without prejudice to further proceedings in Family Court. The interim relief granted by an order of a Justice of this Court on April 6, 2012 is vacated without prejudice to renewal of said stay request following service upon petitioner-respondent father.

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 22, 2012.

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

-----x

Ana Vega,  
Plaintiff-Appellant,

-against-

M-1771  
Index No. 112251/08

103 Thayer Street LLC, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about June 23, 2011 and January 17, 2012, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about June 23, 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 from the order entered June 23, 2011 to the October 2012 Term; sua sponte, the appeals are consolidated, and plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering same to be filed on or before August 6, 2012 for the aforesaid 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 22, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Dwayne Moore,  
Plaintiff-Appellant,

-against-

**M-1778**

Index No. 407020/07

Federated Department Stores & Macy's,  
Defendants-Respondents.

-----X

An appeal having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about July 16, 2010 (mot. seq. nos. 003, 004, 005) and September 27, 2010 (mot. seq. nos. 006, 007), respectively,

And an order of this Court having been entered on November 25, 2011 (M-4257/M-4279), inter alia, denying plaintiff-appellant leave to file a late notice of appeal on the order of said Supreme Court entered on or about June 28, 2011,

And an order of this Court having been entered on March 13, 2012 (M-625) denying plaintiff renewal/reargument of so much of the prior motion (M-4257/M-4279) seeking leave to file a late notice of appeal,

And plaintiff having moved once again for leave to file a late notice of appeal from the aforesaid order of Supreme Court entered on or about June 28, 2011 or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered March 13, 2012 (M-625),

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

Ordered that the motion is denied in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

-----X  
In re Rodman & Renshaw, LLC, et al.,  
Petitioners-Respondents,

-against-

M-1204  
Index No. 651877/10

Matthew N. Murray,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 21, 2012 (Appeal No. 6719-6720),

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 22, 2012.

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

-----X  
Morse, Zelnick, Rose & Lander, LLP,  
Plaintiff-Respondent,

-against-

M-1121  
Index No. 106421/09

Ronnybrook Farm Dairy, Inc.,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2012 (Appeal No. 6878), and for related relief,

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

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

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 22, 2012.

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

-----X

Fundamental Long Term Care Holdings,  
LLC, et al.,  
Plaintiffs-Appellants,

**CONFIDENTIAL**

M-695

M-856

Index No. 650332/11

-against-

Cammeby's Funding, LLC, et al.,  
Defendants-Respondents,

- - - - -

Cammeby's Funding LLC, et al.,  
Counterclaim-Plaintiffs-Respondents,

-against-

Fundamental Long Term Care Holdings,  
LLC, et al.,  
Counterclaim-Defendants-Appellants.

-----X

Plaintiff-appellant/counterclaim-defendant-appellant  
Fundamental Long Term Care Holdings, LLC, 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. 6722-6723)  
[M-695],

And defendants/counterclaim-plaintiffs-respondents  
Cammeby's Funding LLC having cross-moved for vacatur of the stay  
afforded by the order of a Justice of this Court entered  
October 19, 2011 and continued by an order of this Court entered  
December 13, 2011 (M-4780)[M-856],

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

It is ordered that the motion is denied [M-695]. The cross motion is granted and the aforesaid stay afforded by the order of this Court on December 13, 2011 (M-4780) is vacated [M-856].

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 22, 2012.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Luz Solla,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-2259  
Index No. 401178/11

-against-

Elizabeth Berlin, as Executive Deputy  
Commissioner of the New York State  
Office of Temporary and Disability  
Assistance, et al.,  
Respondents-Respondents.

-----  
Law Office of Peter Vollmer, Esq.,  
Amicus Curiae.

-----X  
An appeal having been taken to this Court by the above-named petitioner from the order of the Supreme Court, New York County, entered on or about July 18, 2011, and said appeal having been perfected,

And the Law Office of Peter Vollmer, Esq. having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the copies of the amicus curiae brief submitted with the moving papers are deemed filed.

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 22, 2012.

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

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

-against-

M-713A  
Index No. 105275/07

Gregory Bartlett,  
Defendant-**Appellant**.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about 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 granted to the extent of enlarging the time in which to perfect the appeal to the September 2012 Term. The order of this Court (M-713), entered on March 27, 2012, 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 22, 2012.

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

-----X  
Ralph Robinson,  
Plaintiff-Appellant,

-against

M-1483  
Index No. 17201/03

Dr. Chika Onyeani, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about December 15, 2010, for failure to timely perfect,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 22, 2012.

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

-----x

The Board of Managers of the Onyx  
Chelsea Condominium and the Onyx  
Chelsea Condominium,  
Plaintiffs-Respondents/Appellants,

M-1281  
M-1598  
Index No. 104912/10

-against-

261 West LLC,  
Defendant-Appellant/Respondent.

-----x

An appeal having been taken by defendant from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 28, 2011, and said appeal having been perfected,

And an appeal having been taken by plaintiffs from the order of said Court entered on or about March 12, 2012 (mot. seq. no. 003),

And defendant having moved for an order dismissing their appeal taken from the order and judgment entered on or about February 28, 2011 (M-1281),

And plaintiffs having cross-moved for consolidation of the aforesaid appeals (M-1598),

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

It is ordered that the motion (M-1281) is granted to the extent that the appeal from the order and judgment entered on or about February 28, 2011 is deemed withdrawn, and otherwise denied. The cross motion (M-1598) 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 22, 2012.

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

-----X

Kristen Haunss,  
Plaintiff-Appellant,

-against-

M-438  
Index No. 102323/07

City of New York,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 20, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated January 31, 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 22, 2012.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
ABN Amro Mortgage Group, Inc.,  
Plaintiff-Appellant,

-against-

M-679  
Index No. 13637/06

Rafael Pantoja, et al.,  
Defendants,

Ana Iris Salazar, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 5, 2012 (Appeal No. 6334),

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 22, 2012.

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

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

-against-

M-1658  
Ind. No. 912/11

James T. Landeau, also known as  
James T. Landeau, III,  
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 January 24, 2012, 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, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, John Nicholas Iannuzzi, Esq., the amount and sources for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of 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 22, 2012.

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

-----X  
Ian Peck, individually and as  
Co-Executor of the Estate of  
Joan Peck,  
Plaintiff-Appellant,  
-against-

M-1332  
Index No. 109460/06

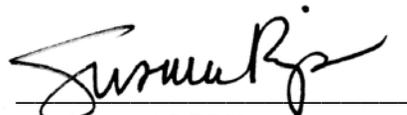
Granite Tops, Inc., et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 14, 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 22, 2012.

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

-----X  
Hamema Associates, LLC and Irene  
Nelson and Helen Teleky, as  
Executors of the Estate of  
Martin Schwartz,  
Petitioners-Respondents,

-against-

M-1635  
Index No. 603683/09

Norton David Nelson,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 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 December 2012 Term, with leave to seek a further enlargement, if necessary.

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 22, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

Sara Bostwick,  
Plaintiff-Appellant,

-against-

M-622  
Index No. 116010/09

Christian Oth, Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 10, 2012 (Appeal No. 6518-6518A),

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

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 1801  
Ind. No. 1682/2004

-against-

CERTIFICATE  
DENYING LEAVE

Norman McBride,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented which ought to be reviewed  
by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court, New  
York County, entered on or about October 21, 2011 is hereby  
denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: May 2, 2012  
New York, New York

ENTERED: **MAY 22 2012**

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M-1818  
Ind. No. 4332/00

-against-

CERTIFICATE  
GRANTING  
LEAVE

DARNELL MACON.  
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about October 31, 2011.<sup>1</sup>

Dated: May 1, 2012  
New York, New York



Hon. Helen E. Freedman  
Associate Justice

**ENTERED** MAY 22 2012

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-1128  
Ind. No. 4242/98

-against-

CERTIFICATE  
DENYING LEAVE

Roger M. Thomas,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 5, 2011 is hereby denied.

  
Associate Justice

Dated: May 2, 2012  
New York, New York

ENTERED: **MAY 22 2012**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-1222  
Ind. No. 1753/98

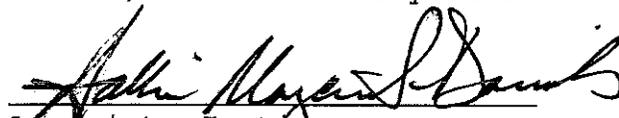
-against-

CERTIFICATE  
DENYING LEAVE

Cliff Jones,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about June 28, 2011 is hereby denied.

  
Associate Justice

Dated: May 1, 2012  
New York, New York

ENTERED: **MAY 22 2012**

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



PM ORDERS  
ENTERED ON  
MAY 22, 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 22, 2012.

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

-----X

Inez Simens, Individually and as a  
Membership Unit Owner of IJS Properties,  
LLC, etc., et al.,  
Plaintiffs-Respondents,

-against-

**M-2177**

Index No. 105097/09

Charles Darwish, Individually and as a  
Managing Unit Owner of Hamilton 65<sup>th</sup>  
Partners, LLC, etc.,  
Defendant-Appellant,

United States Capital Investment Company,  
Inc., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 26, 2012 (mot. seq. no. 012), inter alia, holding defendant-appellant Darwish in criminal contempt and issuing a warrant of commitment, etc.,

And defendant-appellant having moved, inter alia, to stay enforcement of the aforesaid order pending hearing and determination of the 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, pending hearing and determination of the appeal, enforcement of so much of the aforesaid order of the Supreme Court, New York County, entered on or about April 26, 2012,

as directed defendant-appellant Darwish's forthwith incarceration, on condition defendant-appellant complies in all respects with all extant orders of the Supreme Court, New York County, issued in this matter regarding the appointment of temporary receiver including those dated March 22, 2010, May 13, 2010, July 8, 2010, November 15, 2010 and January 11, 2011, and on further condition that defendant-appellant perfects the appeal on or before July 9, 2012 for the September 2012 Term, with no enlargements to be granted. Upon failure to so perfect, or fulfill either of the aforesaid conditions, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents serve a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:

  
CLERK