

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 October 23, 2012.

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

-----X

Adolfo Arreola, et al.,

Plaintiffs-Respondents,

-against-

M-3740X

Index No. 106838/11

Teresa Giudice, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 23, 2012.

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

-----X
Samuel A. Spearin,
Plaintiff-Appellant,

-against-

M-3742X
Index No. 651971/10

New 345 LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about September 26, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 23, 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,
by Eric T. Schneiderman, Attorney
General of the State of New York,

Petitioner-Respondent,

-against-

M-4147
Index No. 401478/10

Yair Levy and YL Rector Street, LLC,

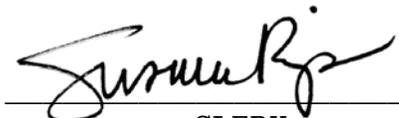
Respondents-Appellants.
-----X

Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about July 1, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated September 7, 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 October 23, 2012.

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

-----X
Isaiah Harmon,
Plaintiff-Respondent,

-against-

M-4225X
Index No. 304570/11

Fiduciary Insurance Company
of America,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 19, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 11, 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 October 23, 2012.

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

-----X

The Falconwood Corporation,

Plaintiff-Respondent,

-against-

M-4226X

Index No. 651141/10

Steven C. Williams, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 24, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 11, 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 October 23, 2012.

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

-----X
Dennis Coles,
Plaintiff-Appellant,

-against-

M-4243X
Index No. 652228/11

Universal Music Publishing, Inc.,
and Universal Music Group, Inc.,
Defendants-Respondents.

-----X

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

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

-----X

Katan Group, LLC, individually
and derivatively as a member of
Refinery Management LLC,

Plaintiff-Appellant,

-against-

M-4244X
Index No. 650664/12

CPC Resources, Inc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 1, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 13, 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 October 23, 2012.

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

-----X

Vincent Ramos,

Plaintiff-Respondent,

-against-

M-4284X

Index No. 115629/05

New York City Transit Authority,

Defendant-Appellant.

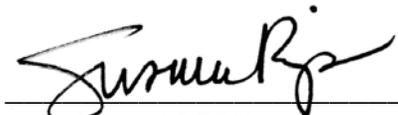
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 31, 2012 and April 23, 2012, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 12, 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 October 23, 2012.

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

-----X

Connie Jones,

Plaintiff-Respondent,

-against-

M-4300X

Index No. 21342/06

The City of New York, et al.,

Defendants-Appellants.

-----X

Appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about October 11, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 12, 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 October 23, 2012.

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

-----X
Cadles of Grassy Meadows II, L.L.C.,
Plaintiff-Respondent,

-against-

M-4132
Index No. 110219/06

Edward B. Lapidus,
Defendant-Appellant,

David Glaser, Spire Realty and
Development and East Windsor
Limited Partnership,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 7, 2011 (mot. seq. no. 002), and said appeal having been perfected,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated August 31, 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 October 23, 2012.

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

-----X

Josette Linton,
Plaintiff-Respondent,

-against-

M-3760
Index No. 308184/10

Eduardo Gonzales and Nyll Management
Ltd.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 13, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated August 8, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 23, 2012.

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

-----X
William C. Engel and Louisa Engel,
Plaintiffs,

-against-

33 West End Avenue, GP, Inc.,
KNK Construction, LLC, HRH
Construction Corp., and Prince
Carpentry, Inc.,
Defendants.

M-3935
Index No. 109165/06

-----X
HRH Constructions Corp.,
Third-Party Plaintiff,

-against-

American Industries Corp.
of New York,
Third-Party Defendant.

Third-Party
Index No. 7590460/07

-----X
33 West End Avenue GP, Inc.,
KNK Construction, LLC and HRH
Construction Corp.,
Second Third-Party Plaintiff,

Second Third-Party
Index No. 590764/07

-against-

American Industries Corp.
of New York,
Second Third-Party Defendant.

-----X
(And other actions)
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated August 21, 2012, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 23, 2012.

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

-----X
Gate Five, LLC,
Plaintiff-Respondent,

-against-

M-3926
Index No. 651094/11

Beyoncé Knowles-Carter and Beyoncé
Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 7, 2012 (mot seq. no. 003), and said appeal having been perfected,

And defendants-appellants having moved for a limited stay of discovery, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated September 5, 2012, and due deliberation having been had thereon,

It is ordered that the motion is 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 October 23, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Daval-Ogden,
Plaintiff-Appellant,

-against-

M-3992
Index No. 301725/11

Highbridge House Ogden, LLC,
Defendant-Respondent/
Cross-Appellant.

-----X

An appeal and cross having been taken from the order of the Supreme Court, Bronx County, entered on or about February 3, 2012, and said appeal having been perfected,

And defendant-respondent/cross-appellant having moved to strike certain information from the record on appeal and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated September 12, 2012, and due deliberation having been had thereon,

It is ordered that the motion is 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 October 23, 2012.

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

-----X

The People of the State of New York
ex rel. Joel Danishefsky and Jaelene
Danishefsky, on behalf of Anna Covlin
and Myles Covlin, their Granddaughter
and Grandson,

Petitioners-Appellants,

-against-

Roderick Covlin and David and Carol
Covlin,

Respondents-Respondents.

-----X

SEALED

M-4144

Index No. 109087/10

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about August 12, 2010 and from the order entered on or about February 4, 2011,

And petitioners-appellants having moved for a temporary restraining order and for related relief, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated September 11, 2012, and due deliberation having been had thereon, it is

Ordered that motion is 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 October 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3494
Ind. No. 270N/12

Eric White,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 29, 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 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 October 23, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against- M-3883
Ind. No. 3175/08

Carlos Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 18, 2011 (M-2469) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2010,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

- - - - -
Edwin P., M-3720
Docket No. V16079/12

Petitioner,

-against-

Jenny I. B.,

Respondent.

-----X

Respondent mother having moved for leave to appeal to this Court from a Temporary Order of Visitation of the Family Court, Bronx County, entered on or about July 12, 2012,

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

Ordered that the motion is denied. (See M-3720A, 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 October 23, 2012.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Inez Simens, etc., et al.,
Plaintiffs-Respondents,

-against-

Charles Darwish, etc., et al.,
Defendants-Appellants.

M-4135
M-4304
Index No. 105097/09

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 7, 2012 (mot. seq. 003) [M-4135],

And plaintiffs-respondents having cross-moved to dismiss the aforesaid appeal [M-4304],

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 on or before December 3, 2012 for the February 2013 Term [M-4135]. The cross motion is granted to the extent of dismissing the appeal unless perfected for said February 2013 Term [M-4304].

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 October 23, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
905 5th Associates, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-4121
Index No. 100662/06

907 Corporation, et al.,
Defendants-Respondents,

My Home Remodeling, Inc.,
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 July 5, 2011 (mot. seq. no. 021),

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 February 2013 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 October 23, 2012.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

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

- - - - -

Commissioner of Social Services,
on behalf of Hasime C.,
Petitioners-Respondents,

M-4131
Docket No. F5735-09/09B

Kastriot D.,
Respondent-Appellant.

-----X

Respondent-appellant father, having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about June 25, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2013 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 October 23, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Lawrence Ruben Company, Inc., Duit
Realty Corp., Tower plaza Associates,
Plaintiffs-Respondents-Appellants,

-against-

M-4045
Index No. 102721/10

Admiral Indemnity Company,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 28, 2011,

And defendant-appellant 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 to perfect the appeal and cross appeal to the April 2013 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 October 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against- **M-3910**
Ind. No. 8235/99

Michael Rivera,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 25, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., 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 October 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-3899

Ind. No. 3266/11

Steven Carter,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing 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 October 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against-

Ivan Bustamonte, also known
as Ivan Bustamontye,
Defendant-Appellant.

M-3955
M-4411
Ind. Nos. 5960/05
7047/04

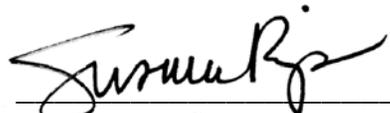
-----X

Defendant-appellant having moved by separate motions for an enlargement of time in which to file a notice of appeal from judgments of the Supreme Court, New York County, rendered on or about April 24, 2012,

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 deeming the moving papers a timely filed notice of appeal with respect to each of the aforesaid judgments.

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 October 23, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Maxine Grant,

Plaintiff-Appellant,

-against-

M-3355
Index No. 8321/03

Steve Mark, Inc., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 21, 2012 (Appeal No. 7995),

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 October 23, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Alec Jeffrey Megibow, M.D., M.P.H.,
F.A.C.R., etc.,
Plaintiff-Appellant,

-against-

M-4495
Index No. 115588/10

Caron.Org, doing business as Caron
New York, 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 June 9, 2011 (mot. seq. nos. 001, 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 February 2013 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent(s) serve 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 October 23, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Party Chef, Newcirk Properties, Inc.,
also known as Newcirc Properties, Inc.,
Nicholson Group Corp., The Artist
Auction Center Corp.,
Plaintiffs-Appellants,

-against-

East 58th Street Realty, LLC,
Defendant-Respondent.

M-4466
Index No. 155207/12

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 14, 2012,

And plaintiffs-appellants having moved for relief in the nature of a preliminary appellate injunction, inter alia, enjoining defendants-respondents from taking any action to declare or enforce any claim to possession of the subject premises, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----x

Rita Scaba,

Plaintiff-Respondent,

-against-

M-4353

M-4400

Index No. 306861/10

Moshe Scaba,

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 September 20, 2011, and said appeal having been heard,

And plaintiff-respondent having moved, by separate motions, for leave to file a supplemental brief (M-4353), and for a stay of trial pending hearing and determination of the appeal (M-4400),

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 denied, as moot.
(See Appeal No. 8362N, 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 October 23, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Alexander Eisenberg,
Plaintiff-Respondent,

-against-

M-4291
Index No. 307644/08

Marcos Guzman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial and all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 27, 2011, and said appeal having been perfected,

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

It is ordered that the motion is granted to the extent of staying the trial only pending hearing and determination of the appeal. 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 October 23, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Ariel S.,
Richard S.,
Jamie S.,
and Xavier V.,

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

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

M-4362
Docket Nos.
NN-10173-76/08
B-34398/10

Yesenia L.,
Respondent-Appellant,

Ariel S.,
Respondent.

- - - - -
David Eskin, Esq.,
Attorney for the Children.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 20, 2012,

And an order of this Court having been entered on August 7, 2012 (M-2939), continuing the stay afforded respondent-appellant by the order of a Justice of this Court dated June 21, 2012, and on condition the aforesaid appeal is perfected for the December 2012 Term,

And respondent-appellant having moved for an enlargement of time 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 to perfect the appeal to the February 2013 Term. The stay previously granted by the order of this Court on August 7, 2012 (M-2939) is continued upon the same terms and conditions, and on the additional condition that respondent-appellant perfects his appeal on or before December 3, 2012 for said February 2013 Term.

ENTER:



CLERK

CORRECTED ORDER OCTOBER 25, 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 October 23, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Nelson S. Román, Justices.

-----X
Wing Wong Realty Corp.,
Plaintiff,

-against-

Flintlock Construction Services, LLC,
et al.,
Defendants.

M-2942
Index Nos. 101323/05
590334/08

- - - - -
Versatile Consulting & Testing Services,
Inc., et al.,
Third-Party Plaintiffs-Respondents,

-against-

R.A. Consultants, LLC, et al.,
Third-Party Defendants-Appellants,

Thornton Tomasetti, Inc.,
Third-Party Defendant.

-----X

Third-party 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 May 24, 2012 (Appeal No. 6629),

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 October 23, 2012.

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

-----X
In the Matter of the Application of
Joyce M. Griffin,
Petitioner,

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

-against-

M-3691
Index No. 402981/10

New York City Department of Housing
Preservation and Development, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 7, 2011,

And an order of this Court having been entered on January 10, 2012 (M-5395), inter alia, dismissing the aforesaid proceeding,

And petitioner having moved for reconsideration of the aforesaid order of this Court dismissing petitioner's proceeding, and upon reconsideration, for leave to prosecute the proceeding as poor person,

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 October 23, 2012.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Wei Xu,
Plaintiff-Appellant,

-against-

M-4248
Index No. 350205/06

Fangruo Chen,
Defendant-Respondent.
-----X

Appeals having been taken from various judgments and orders including, but not limited to, a judgment of the Supreme Court, New York County, entered on or about July 19, 2011, and an order of said Court and Justice entered on or about March 25, 2011,

And an order of this Court having been entered August 14, 2012 (M-2738) dismissing the appeals,

And plaintiff-appellant having moved for, inter alia reinstatement of the aforesaid appeals, and other relief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Jose DeLeon,
Plaintiff-Respondent,

-against-

M-3756
Index No. 303065/07

Keystone Freight Corp. and
Bruce Rich,
Defendants-Appellants.

-----X

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

And defendants-appellants having moved for an enlargement of time to perfect the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated August 16, 2012, and due deliberation having been had thereon,

It is ordered that the motion is 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 October 23, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-3795

Ind. No. 454/10

Michael Simmons,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Merchan, J.) entered on or about August 2, 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 Merchan as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-3526

-against-

Ind. No. 3828/10

Jeremy M. Santiago,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 31, 2011 (M-1429) 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 November 24, 2010,

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

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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

CORRECTED ORDER OCTOBER 25, 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 October 23, 2012.

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

-----X

Kathleen Rice, etc.,
Plaintiff-Respondent,

M-3366

M-3550

Index Nos. 101207/05
590813/05
590592/08
590611/08
590598/09

-against-

West 37th Group, LLC, et al.,
Defendant-Appellants-Respondents,

Cord Contracting Co.,
Defendant.

West 37th Group, LLC, et al.,
Third-Party Plaintiffs-Appellants-
Respondents,

-against-

Five Boro Associates,
Third-Party Defendant-Respondent-
Appellant.

West 37th Group, LLC, et al.,
Second Third-Party
Plaintiffs-Appellants-Respondents,

-against-

Joseph Carfi, M.D.,
Second Third-Party Defendant-
Respondent,

Bruce Herman, Ph.D.,
Second Third-Party Defendant

[And Other Actions]

-----X

Defendants third-party plaintiffs/second third-party plaintiffs, West 37th Group LLC and GJG Construction Corp., 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 June 12, 2012 (Appeal No. 7763) [M-3336],

And second third-party defendant, Five Boro Associates, having separately moved for the aforesaid relief [M-3550],

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 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 October 23, 2012.

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

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

John T. Ahern, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

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

M-4035
Index No. 102605/12

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

Lillian Roberts, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

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

Index No. 102601/12

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

Gene Demartino, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

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

Index No. 102447/12

-----X

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

Tom Klein, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102602/12

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

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

Michael Bilello, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102603/12

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

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

Sean Fitzpatrick, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102604/12

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

-----X

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

Stephen Melish, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102607/12

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

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

Joseph Colangelo, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102608/12

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

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

John Murphy, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102636/12

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

-----X

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

Gregory Floyd, etc., et al.,
Petitioners-Respondents,

For an Order and Judgment Pursuant to
Article 78 of the CPLR,

-against-

Index No. 102673/12

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

-----X

Respondents-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 11, 2012, July 24, 2012 and July 26, 2012, respectively,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. The appellants are directed to clearly identify the papers related to each appeal in the table of contents and identify the papers specifically related to each appeal in the consolidated record by insertion of page tabs. The motion is otherwise denied. The parties are advised that any application with respect to oral argument is to be made in writing directly to the Chief Clerk pursuant to 22 NYCRR 600.11(f).

ENTER:


CLERK

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

BEFORE: Hon. Richard T. Andrias
Associate Justice of the Appellate Division

-----X
In the Matter of the Application of
Paula Cruz,
Petitioner,

-against-

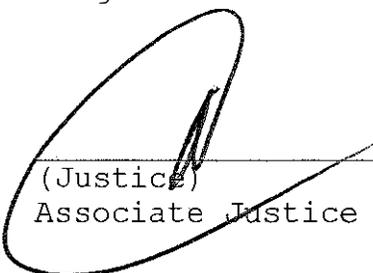
M-4018
Index No.260980/11

New York City Housing Authority,
Respondent,
-----X

Respondent having moved for leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about July 26, 2012,

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

It is ordered that the motion is granted.



(Justice)
Associate Justice

Dated: September 25, 2012
New York, New York

Entered: October 23, 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 October 23, 2012.

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

-----X

In the Matter of the Application of

Paula Cruz,
Petitioner-Respondent,

-against-

M-4018A
Index No. 260980/11

New York City Housing Authority,
Respondent-Appellant.

-----X

An order of a Justice of this Court being entered simultaneously herewith (M-4018) granting leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about July 26, 2012,

And respondent-appellant having moved (M-4018A) for confirmation of an automatic stay pursuant to CPLR § 5519(a)(1) or in the alternative for a discretionary stay of the aforesaid order pursuant to CPLR § 5519(c), 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 to the extent of granting a discretionary stay of enforcement of the aforesaid order appealed, on condition that the appeal is perfected on or before December 3, 2012 for the February 2013 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 October 23, 2012.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
333 East 49th Partners, L.P.,
Plaintiff-Appellant,

-against-

Leonard Flamm,
Defendant-Respondent.

M-4159

M-4371

Index No. 100516/10

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 13, 2010, and an appeal having been taken from a judgment of Supreme Court, New York County, entered on or about July 5, 2012, respectively,

And plaintiff-appellant having moved to enlarge the time to perfect the aforesaid appeal from the order entered on or about July 13, 2010 or, in the alternative, for leave to withdraw said appeal, without prejudice to plaintiff's right to perfect its appeal in a timely manner pursuant to the notice of appeal dated July 17, 2012, from the judgment entered on or about July 5, 2012 (M-4159),

And defendant-respondent having cross-moved to dismiss the aforesaid appeal from the order entered on or about July 13, 2010 (M-4371),

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 and cross motion are granted to the extent of dismissing the appeal taken from the order entered on or about July 13, 2010, as subsumed in the appeal from the judgment entered on July 5, 2012 and otherwise denied, without prejudice to timely perfection of the appeal from the aforesaid judgment entered on or about July 5, 2012.

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 October 23, 2012.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of a Support Proceeding

Julio P.,
Petitioner-Appellant,

-against-

Lourdes G.,
Petitioner-Respondent,

M-4001
Docket Nos. F2779-01/10C
F2779-01/10D

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 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, Aleza Ross, Esq., 320 Carleton Avenue, Central Islip, NY 11722, Telephone No. (631)361-6900, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the

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

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 October 23, 2012.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Ellen Gettinger Grubbs,

Plaintiff-Appellant,

-against-

HSBC Bank, USA, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 29, 2012,

And defendants-respondents having moved for an order dismissing the aforesaid appeal as untimely taken,

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

Ordered that the motion is denied, without prejudice to raising the argument in defendants-respondents' brief.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2012.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Michael Borbon,
Plaintiff-Appellant,

-against-

M-4242
Index No.6074/07

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

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

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeals taken from judgments of the Supreme Court, Bronx County, entered on or about February 9, 2011 and on or about March 22, 2011, respectively, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of 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, sua sponte, consolidating the aforesaid appeals and permitting plaintiff-appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering said appeals and enlarging the time to perfect the aforesaid consolidated appeals to on or before December 31, 2012 for the March 2013 Term. Plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record(s). 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 October 23, 2012.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
James M. Catterson
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Lekkos Construction Corp.,
Plaintiff-Appellant,

-against-

Cordial Construction Inc. and New York
Installation, Inc.,
Defendants-Respondents.
-----X

M-4234
M-4330
Index No. 102127/08

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 27, 2011 and on or about March 6, 2012, and from the judgment of the same Court and Justice, entered on or about April 20, 2012, respectively,

And an order of this Court having been entered on June 26, 2012 (M-2562), granting plaintiff an enlargement of time to perfect the aforesaid appeals, but denying consolidation of same, with leave to renew, as indicated,

And plaintiff-appellant having renewed their motion for consolidation of the aforesaid appeals and for a further enlargement of time to perfect same (M-4234),

And plaintiff-appellant having also moved by separate motion for an enlargement of time to perfect the aforesaid appeals (M-4330),

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 consolidating the aforesaid appeals and permitting plaintiff-appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering said appeals. The time to perfect the consolidated appeals is enlarged to the April 2013 Term.

ENTER:


CLERK

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-2684
Ind. No. 6209/88

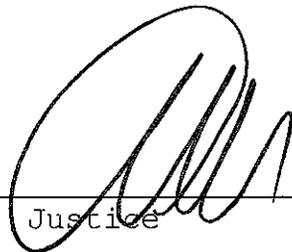
-against-

CERTIFICATE
DENYING LEAVE

Lazaro Alan,

Defendant.

-----X
I, Angela M. Mazzarelli, 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 (Nicholas Iacovetta, J.), entered on or about November 1, 2011, is hereby denied.



Justice

Dated: New York, New York
OCT 15 2012, 2012

ENTERED OCT 23 2012

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-4056
Ind. No. 2230/99

-against-

CERTIFICATE
DENYING LEAVE

Jose Alfaro, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 April 10, 2012, is hereby denied.

Dated: New York, New York
September 19, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

OCT 23 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-4221
Ind. No. 3019/92

-against-

CERTIFICATE
DENYING LEAVE

DWAYNE MALAVE,

Defendant.

-----X

I, Helen E. Freedman, 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, section 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 28th, 2012 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 14, 2012
New York, New York

ENTERED: **OCT 23 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 - 4270
Ind. No. 3379/10

-against-

CERTIFICATE
DENYING LEAVE

ANDRE GRAHAM,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 12, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 27, 2012
New York, New York

ENTERED: OCT 23 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 - 4299
Ind. No. 1261/04
2051/03

-against-

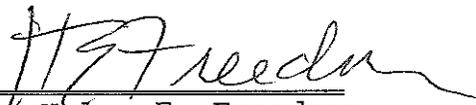
ORDER DENYING LEAVE
UPON REARGUMENT

MICHAEL ATKINS,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-4262), entered on November 1, 2011, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, Bronx County, entered on or about June 27, 2011 is hereby denied.


Hon. Helen E. Freedman
Associate Justice

Dated: October 4, 2012
New York, New York

ENTERED: **OCT 23 2012**

PM ORDERS

ENTERED ON

OCTOBER 18, 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 October 18, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----x
Patricia Leighton,
Plaintiff-Appellant,

-against-

M-3789
Index No. 115379/08

Marc Lowenberg, D.D.S., et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 5, 2011 (mot. seq. nos. 006, 007), and said appeal having been perfected,

And defendants-respondents having moved for leave to strike from the record on appeal certain post-order deposition testimony, as well as any and all references thereto in defendant-appellant's brief, upon the grounds that it refers to material de hors the record, and for the imposition of costs against plaintiff-appellant for frivolous conduct pursuant to 22 NYCRR § 130-1.1,

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

It is ordered that the motion is granted to the extent of directing plaintiff-appellant's counsel to physically excise Point V (pp. 57-61) of plaintiff-appellant's brief as well as pp. 1542-1576 from Volume II of the Record on appeal, with costs to abide the event. 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 October 18, 2012.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Carol Wood,

Plaintiff-Appellant,

-against-

139 East 33rd Street Corp., et al.,

Defendants-Respondents.
-----x

M-3821
Index No. 602793/09

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about March 27, 2012 (mot. seq. no. 007),

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

It is ordered that the motion is granted on condition the appeal is perfected on or before December 3, 2012 for the February 2013 Term.

ENTER:


CLERK

ORDER

ENTERED ON

OCTOBER 19, 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 October 19, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Judith J. Gische, Justices.

-----x
In the Matter of Williamsburg Community
Preservation Coalition, etc., et al.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4288
M-4621
M-4625

Index No. 115437/10

-against-

The Council of the City of New York,
et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 2, 2011, and said appeal having been perfected,

And petitioners-appellants having moved for leave to file a supplemental appendix in connection with the aforesaid appeal (M-4288),

And respondents The Refinery LLC (M-4621) and the Council of the City of New York, et al. (M-4625) having separately cross-moved for leave to strike petitioners-appellants' reply brief upon the grounds that it contains argument that refers to matters de hors the record,

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

It is ordered that the motion (M-4288) is denied. The cross motions (M-4621/M-4625) are granted to the extent of deeming all portions of appellants' reply brief that refer to and/or rely on matters de hors the record, including the materials contained in the proposed supplemental appendix, stricken.

ENTER:


CLERK

PM ORDERS

ENTERED ON

OCTOBER 23, 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 October 23, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
UMG Recordings, Inc.,

Plaintiff-Appellant,

-against-

M-4551
Index No. 100152/10

Escape Media Group, Inc.,

Defendant-Respondent.
-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about July 10, 2012, and said appeal having been perfected,

And Recording Industry Association of America 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 proposed amicus curiae brief submitted with the moving papers are deemed filed.

ENTER:


CLERK