

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 April 2, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

**M-539**  
Ind. No. 3565/06

Charles Williams,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2007,

And defendant having moved to withdraw 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It is ordered that the appeal is withdrawn.

ENTER:

  
CLERK



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 April 2, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
The Board of Managers of the Onyx  
Chelsea Condominium, etc.,  
Plaintiff-Appellant-Respondent,

-against-

M-781  
Index No. 114230/10E

261 West LLC, Evan Haymes,  
Matthew Bronfman, Edward Curty,  
Kreisler Borg Florman, also known as  
Kreisler Borg Florman General  
Construction Company, Inc.,  
Saparn Realty, Inc.,  
Defendants-Respondents-Appellants,

John Doe #1 through John Doe #10,  
etc.,  
Defendants.

-----  
(And third-party actions)  
-----X

Plaintiff-appellant-respondent The Board of Managers of the Onyx Chelsea Condominium having moved for an enlargement of time in which to perfect the appeal and cross appeals from the orders of the Supreme Court, New York County, entered on or about March 7, 2012 (mot. seq. nos. 001, 002, 005, 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 to perfect the appeal and cross appeals to the December 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 April 2, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-against-

Omar Smith,  
Defendant-Appellant.

M-403  
M-535  
Ind. No. 4162/10

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 18, 2011 (M-403),

And respondent having moved to dismiss the aforesaid appeal for failure to timely perfect (M-535),

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

It is ordered that the motion is denied (M-403). Appeal dismissed (M-535).

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 April 2, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Frank Schiumo,  
Plaintiff-Appellant,

-against-

Consolidated Edison Company  
of New York, Inc.,  
Defendant-Respondent.

M-268  
Index No. 300-272-TS-09

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 26, 2013,

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 April 2, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X  
Thermwell Products, Inc.,

Plaintiff-Appellant,

-against-

Nitto Denko America, Inc., et al.,

Defendants-Respondents.  
-----X

**M-861**  
**M-1173**  
**M-1255**  
**M-1284**

Index No. 112195/11

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 12, 2012 and December 31, 2012, respectively,

And plaintiff-appellant having moved to enlarge the time to perfect the aforesaid appeals (M-861),

And defendants-respondents, Nitto Denko America, Inc. (M-1173), Martin Marietta Materials, Inc. (M-1284), and Lockheed Martin Corporation (M-1255), having cross-moved by separate motions to dismiss the aforesaid appeals,

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, sua sponte, plaintiff's appeals are consolidated, and plaintiff is directed to perfect said appeals upon the same record and on one set of appellant's points on or before July 8, 2013 for the September 2013 Term. Defendants' cross motions are granted unless plaintiff perfects the consolidated appeals for said September 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 April 2, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

-----X  
Board of Managers of the Cove Club  
Condominium,

Plaintiff-Respondent,

**M-699**

Index No. 104309/12

-against-

Lawrence M. Jacobson, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about January 29, 2013, and said appeal having been perfected,

And defendants having moved to stay all proceedings, including trial, pending 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.

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 April 2, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sheila Abdus-Salaam  
Judith J. Gische, Justices.

-----X  
Bari Yunis Schorr,

Plaintiff-Respondent,

-against-

**M-936**

Index No. 305587/11

David Evan Schorr,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2013,

And defendant having moved for a stay of enforcement of a certain award for counsel fees, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 April 2, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
The People of the State of New York  
ex rel. Hirving Ayala,  
Petitioner,

-against-

M-219  
Ind. No. 667/12

Dora Schriro, Commissioner of the  
New York City Department of  
Corrections, et al.,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 April 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Sheila Abdus-Salaam, Justices.

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

-against-

M-495  
Ind. No. 310/09

Harry Smith,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 11, 2011 (Appeal No. 5670), unanimously affirming a judgment of the Supreme Court, New York County (Kirke Bartley, J.), rendered on January 25, 2012,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 April 2, 2013.

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

-----X  
In the Matter of

Richard J. Condon, in his official capacity as Special Commissioner of Investigation for the New York City School District,  
Petitioner-Appellant,

-against-

Patricia Sabater,  
Respondent-Respondent,

M-1075  
Index No. 401175/12

New York State United Teachers,  
Amicus Curiae.

-----X

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 3, 2013, and said appeal having been perfected,

And The New York State United Teachers 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 9 copies of the proposed 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 April 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

How Shim Yu,  
Plaintiff-Appellant,

-against-

M-479

M-780

Index No. 117206/04

General Security Insurance Co.,  
now known as Unitrin Auto and  
Home Insurance Company,  
Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about January 15, 2013,

And plaintiff-appellant having moved to stay the aforesaid orders pending hearing and determination of the appeal taken therefrom (M-479),

And defendant-respondent having cross-moved to dismiss the aforesaid appeals (M-780),

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-479), the cross motion is granted and the appeal is dismissed (M-780). The interim relief granted by an order of a Justice of this Court, dated January 25, 2013, 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 April 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Judy M. Gilbert,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-672  
Index No. 403307/11

New York City Housing Authority,  
Respondent-Respondent.

-----X

An Article 78 proceeding 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 9, 2013, to review a determination by respondent to terminate petitioner's tenancy,

And petitioner having moved for leave to prosecute, as a poor person, the aforesaid proceeding, and for leave to have the proceeding heard on the original record and upon a reproduced petitioner's brief, and for other relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Jane Doe, a Pseudonym, etc.,  
Plaintiff-Appellant,

-against-

M-676  
Index No. 1088647/07

Brian A. Goldweber, MD, et al.,  
Defendants,

-and-

Somerset Surgical Associates,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant 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 December 15, 2011 (mot. seq. nos. 001, 002, 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 2, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of

Wanda Watson,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules

M-742  
Index No. 401776/11

-against-

New York City Housing Authority,  
Respondents-Respondents.

-----X

Respondents-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 4, 2012, 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 April 2, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
Lisa J. Weksler, et al.,  
Plaintiff-Respondent,

-against-

Joseph Weksler, et al.,  
Defendants-Appellants.

M-686  
Index No. 603288/07

-----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 March 30, 2012 (mot. seq. no. 015),

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 September 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 April 2, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
The City of New York,  
Plaintiff-Respondent,

-against-

M-486  
Index No. 401689/09

Harleysville Worcester Insurance  
Company, Healthstar Plus, Inc.,  
Defendants-Appellants.

-----X

Defendant-appellant Healthstar Plus, Inc. 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 March 21, 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 to the extent of enlarging the time to perfect the appeal to the September 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 April 2, 2013.

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

-----X  
Sophie Malleret,  
Plaintiff-Appellant,

-against-

Federal Express Corporation, et al.,  
Defendants-Respondents,

M-336  
Index No. 106300/09

HLR Service Corporation,  
Defendant

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

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2012 (Appeal No. 8414),

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 April 2, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

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

Respondent,

-against-

**M-310**

Ind. No. 3818/10

Jesus Jimenez,

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 December 20, 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's submission of a detailed notarized affidavit, setting forth his indigency in compliance with CPLR 1101(a), and setting forth the amount and sources of funds to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 2, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-497  
Ind. No. 4720/05

Roberto Rodriguez,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 9, 2008 (Appeal No. 4221), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on February 21, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 April 2, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Michael C. DiGennaro,  
Plaintiff-Respondent,

-against-

M-938  
Index No. 112249/07

New York City Transit Authority  
and "John Doe",  
Defendants-Appellants.

-----X

Defendant-appellant agency 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 August 3, 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.

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 April 2, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Gloria Robinson,

Plaintiff-Appellant,

-against-

**M-849**  
Index No. 1158/06

Moses Crawford, et al.,

Defendants-Respondents.  
-----X

Defendants-Respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 19, 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 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 April 2, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
In the Matter of

Sequoia J., also known as  
Sequoia Antoinette J.,

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

**M-907**  
**M-1045**  
Docket No. B9796/10

-----  
Commissioner of Social Services of the  
City of New York, et al.,  
Petitioners,

Benjamin J., also known as Benjamin  
Dennis J.,  
Respondent.

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

-----X  
Steven Banks, Esq., assigned counsel for the subject child, Sequoia J., also known as Sequoia Antoinette J., having moved to dismiss the appeal taken by respondent father from a non-final Order of Fact-Finding of the Family Court, Bronx County, entered on or about May 4, 2012 (M-907),

And respondent father having cross-moved for leave to appeal to this Court from the aforesaid non-final Order of Fact-Finding of said Family Court entered on or about May 4, 2012 (M-1045),

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 subject child's motion is granted and the appeal is dismissed (M-907). Respondent-father's cross motion for leave to appeal to this Court is denied accordingly (M-1045).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 April 2, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

-----X  
Gregory Berry,  
Plaintiff-Appellant,

-against-

M-856  
Index No. 652274/11

Kasowitz, Benson, Torres  
& Friedman, LLP, 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 January 22, 2013 (Appeal No. 9051),

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 April 2, 2013.

Present: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Nelson S. Román  
Darcel D. Clark, Justices.

-----X  
In the Matter of

Jeremiah M.,

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

-----  
SCO Family of Services,  
Petitioner-Respondent,

**M-5874**  
Docket No. B19195/09

Sabrina Ann M., also known as  
Sabrina M.,  
Respondent-Appellant.  
-----

Rina Mais, Esq.,  
Attorney for the Child.  
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about December 7, 2011,

And petitioner-respondent having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, February 4, 2013, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 2, 2012.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Nelson S. Román  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

Carlos Negron,  
Defendant-Appellant.

M-924  
Ind. No. 6384/09

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

-against-

Jorge Jiminez,  
Defendant-Appellant.

-----X

Separate appeals having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 9, 2010, and both appeals having been perfected,

And assigned counsel for defendant-appellant Carlos Negron having moved for an order remanding this matter to the Supreme Court, New York County, for a hearing to reconstruct the minutes of certain proceedings held on October 20, 2010, and October 21, 2010, and for adjournment of said appeals,

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

Ordered that the motion is granted to the extent of remanding the matter to Supreme Court, New York County, for reconstruction of the aforesaid proceedings as expeditiously as possible. Appellants' counsels are directed to serve a copy of this order upon the Clerk of said court within 10 days from the

date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellants' counsels, for inclusion in the record within 30 days of the conclusion of said reconstruction. The appeals are adjourned to the October 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 April 2, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
The People of the State of New York  
ex rel. Jonathan Valdez,  
Petitioner,

-against-

Edmund Duffy, Warden.  
Respondent(s).

M-180  
Ind. No. 1626/10  
NYSID # 08298867-J

-----X  
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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 writ 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 April 2, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X

Taofik Ifafore,  
Plaintiff-Respondent-Appellant,

-against-

M-335  
Index No. 17962/07

Chris Lebron,  
Defendant-Appellant-Respondent,

-and-

Jetro Cash and Carry Enterprises,  
LLC,  
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 12, 2012

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the September 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 April 2, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
135 Bowery, LLC, et al.,  
Plaintiffs-Respondents,

-against-

Caroline Young, et al.,  
Defendants-Appellants.

M-623  
Index No. 108020/11

-----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 April 3, 2012 (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 to perfect the appeal to the September 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 April 2, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X  
Georgette Victor,  
Plaintiff-Respondent,

-against-

M-571  
Index No. 102749/09

New York City Transit Authority,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about April 10, 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 to the extent of enlarging the time to perfect the appeal to the October 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 April 2, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Sheila Abdus-Salaam  
Paul G. Feinman, Justices.

-----X

The Burlington Insurance Company,  
Plaintiff-Respondent,

-against-

M-797  
Index No. 102774/11

New York City Transit Authority  
and MTA New York City Transit,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 28, 2012 (mot. seq. no. 002) and from a judgment of the same Court and Justice entered on or about January 9, 2013, 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 April 2, 2013.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

-----X

John Rodriguez,  
Plaintiff-Appellant,

-against-

Gilbane/TDX Joint Venture, et al.,  
Defendants-Respondents-Appellants,

Gilbane, Inc.,  
Defendant.

- - - - -

Gilbane/TDX Joint Venture, et al.,  
Third-Party Plaintiffs-  
Respondents-Appellants,

Gilbane, Inc.,  
Third-Party Plaintiff,

-against-

M-441  
Index Nos. 8685/06  
85470/06  
85828/07

DiFama Concrete, Inc.,  
Third-Party Defendant-Respondent,

Admiral Insurance Company,  
Third-Party Defendant,

- - - - -

Gilbane/TDX Joint Venture, et al.,  
Second Third-Party Plaintiffs-  
Respondents-Appellants,

Gilbane, Inc.,  
Second Third-Party Plaintiff,

-against-

DFC Structures, LLC,  
Second Third-Party Defendant-Respondent,

Admiral Insurance Company,  
Second Third-Party Defendant.

-----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 January 15, 2013 (Appeal No. 8997),

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

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 April 2, 2013.

Present: Hon. David B. Saxe, Justice Presiding,  
Helen E. Freedman  
Nelson S. Román  
Judith J. Gische, Justices.

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

-against-

**M-5**

Ind. No. 6028/94

Reynaldo Perez,

Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 24, 1996,

And an order of this Court having been entered on February 5, 2013 (M-5212/M-5630), denying defendant's motion to enlarge the time to perfect his appeal (M-5212), and dismissing said appeal (M-5630),

And defendant having moved for leave to prosecute, as a poor person, the aforesaid appeal, to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

Ordered that the motion is denied as academic, said appeal having been dismissed by the order of this Court entered on February 5, 2013 (M-5212/M-5630).

ENTER:

  
CLERK

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 6016  
Ind. No. 4987/09

-against-

CERTIFICATE  
DENYING LEAVE

Henry Vargas

Defendant.

-----X

I, Sheila Abdus-Salaam, 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 November 28, 2011, is hereby denied.

  
Associate Justice

Dated: March 1, 2013  
New York, New York

ENTERED: APR 2 2013

PM ORDERS

ENTERED ON

APRIL 2, 2013

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 April 2, 2013.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Nelson S. Román  
Paul G. Feinman, Justices.

-----X  
In the Matter of the Application of  
James Holmes,  
Petitioner-Respondent,

**M-1633**

A Defendant in the State of Colorado  
for a Subpoena directing Jana Winter  
to Appear as a Witness, etc.,

Case No. 30037/13

Jana Winter,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 7, 2013,

And respondent-appellant having moved for a preference in the hearing of the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated March 20, 2013, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent placing the aforesaid appeal on this Court's calendar for the June 2013 Term, and directing appellant's main brief and record on appeal be served and filed on or before April 9, 2013 for said June 2013 Term, with respondent's brief to be served and filed on or before May 9, 2013, and appellant's reply brief to be served and filed on or before May 16, 2013, in accordance with the aforesaid stipulation.

ENTER:

  
CLERK