

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 4, 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-1253
Ind. No. 4488/10

Harold Joyner,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 8, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated March 1, 2013, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 4, 2013.

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

-----X

Curtis L. Willing,
Plaintiff-Appellant,

M-798

Index No. 600809/09

-against-

Alan Brent Truitt,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated February 8, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2012 Term, is withdrawn in accordance with the aforesaid stipulation.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 April 4, 2013.

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

-----X

Mathias Berenger and Christine
Harris, now known as Christine
Berenger,
Plaintiffs-Respondents,

M-1096
Index No. 110744/09

-against-

261 West LLC, Evan A. Haymes,
Matthew Bronfman and Edward Curty,
Defendants-Appellants,

BH 261 Manager LLC, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2011 (mot. seq. no. 015),

Now, upon reading and filing the stipulation of the parties hereto, dated February 25, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2012 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 4, 2013.

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

-----X
89/5 Greene Street, LLC and George
Hargreaves,
Plaintiffs-Appellants,

-against-

M-1202
Index No. 111791/07

Peter Moore,
Defendant-Respondent,

-and-

E&G Realty LLC and Greene Street
Partners, LLC,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 11, 2013 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated February 25, 2013, 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 April 4, 2013.

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

-----X

Wells Fargo Bank Northwest, N.A.,
as trustee of the Aircraft 24634
Owner Trust, the Aircraft 24710
Owner Trust and the Aircraft 24711
Owner Trust,

Plaintiffs-Respondents,

-against-

US Airways, Inc.,
Defendant-Appellant.

-----X

M-691
Index No. 650500/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 8, 2011 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated February 4, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 April 4, 2013.

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

-----X
Jose Fernandez,

Plaintiff-Respondent,

M-634

Index No. 103474/10

-against-

618136 LLC,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 7, 2012 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated January 31, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 April 4, 2013.

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

-----X

Arthur L. Carter and Utilities &
Industries Management Corp.,
Plaintiffs-Appellants,

M-689
Index No. 109410/09

-against-

Praetorian Insurance Company,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 28, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2013 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 April 4, 2013.

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

-----X
Christopher Hernandez,

Plaintiff-Respondent,

M-1031

Index No. 110822/09

-against-

Olympic Tower Associates, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2012 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated February 13, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2013 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 April 4, 2013.

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

-----X
Shaffick Kalloo and Lisa Kalloo,
Plaintiffs-Appellants,

-against-

M-1246
Index No. 23904/06

The Metropolitan Transportation Authority and New York City Transportation Authority,
Defendants,

-and-

L&M Land LLC,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 27, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated February 27, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 2013 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 April 4, 2013.

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

-----X

Strauss Group, Ltd. and Max
Brenner International, Inc.,
Plaintiffs-Respondents,

M-1252
Index No. 650522/12

-against-

Oded Brenner, Little Brown NYC
Lexington LLC, Little Brown NYC
Chelsea LLC, OU Holdings, Inc.,
Uri Zohar and Yaniv Zohar,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 3, 2013 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2013 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 April 4, 2013.

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

-----X
Rafael Berrios and Claribel Berrios,
Plaintiffs-Appellants,

-against-

M-1190
Index No. 14810/07

Concourse Flatiron Associates, LP
and Kraus Management, Inc.,
Defendants.

- - - - -
Law Office of Jay S. Hausman &
Associates,
Non-Party Petitioner-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 19, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated February 28, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 2013 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 April 4, 2013.

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

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

-against-

M-546
Ind. No. 5616/04

Luis Fiavachay,
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 (White, J.), entered on or about December 11, 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 White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 4, 2013.

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

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

-against-

M-560
Ind. No. 3943/04

Alfie Richardson,
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 (Nuñez, J.), entered on or about December 20, 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 Nuñez 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 April 4, 2013.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-760
Ind. No. 2134/86

Ramon Perez,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from orders of the Supreme Court, New York County, entered on or about April 8, 2008 and May 5, 2011, respectively, 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 April 4, 2013.

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

-----X
The People of the State of New York
ex rel. Edwin Burgos,

Petitioner,

M-772

-against-

Bruce Yelich, Superintendent of
Bare Hill Correctional Facility,

Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 habeas corpus proceeding herein is transferred to the Supreme Court of the State of New York, Franklin County, 355 West Main Street, Malone, New York 12953, for hearing or other appropriate action.

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 4, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Edison Rodriguez,
Plaintiff-Appellant,

-against-

Theatre Development Fund, Inc.,
et al.,
Defendants,

M-466
Index No. 301793/11

Theatre Development Fund, Inc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 28, 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 4, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Brian Flores-Vasques, an infant by
his Mother and Natural Guardian,
Ruby Vasques and Ruby Vasques,
Individually,
Plaintiffs-Respondents,

-against-

M-476
Index No. 13863/07

New York City Health and Hospitals
Corporation (Jacobi Medical Center),
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 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 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 4, 2013.

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

-----X
Emilienne Jean-Louis and
Monlouis Jean-Louis,
Plaintiffs-Respondents,

-against-

M-915
Index No. 103447/09

Eighth Avenue Sky, LLC, and
Marosu Realty Corporation,
Defendants,

-and-

John T. Construction Inc.,
Defendant-Appellant.

-----X

Defendant-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 March 31, 2011 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time 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 4, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X
Michael Olsen,
Plaintiff-Respondent
Appellant/Respondent,

-against-

M-1028
Index No. 114068/06

Hudson River Park Trust and the
City of New York,
Defendants-Appellants
Respondents/Appellants,

Skanska USA Building, Inc., et al.,
Defendants-Respondents
Appellants/Respondents.

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

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2012 and an appeal having been taken from the order of said Court entered on or about January 13, 2013,

And defendants-appellants having moved for a stay of trial pending hearing and determination of their appeal taken from the order of the Supreme Court, New York County, entered on or about January 11, 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 4, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-150
Ind. Nos. 65651C/04
2339C/05

Jose Mendez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about December 12, 2012, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 4, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Nelson S. Román
Darcel D. Clark, Justices.

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

-against-

M-5619
Ind. No. 963/84

Thomas Vasquez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from an order of the Supreme Court, New York County, rendered on or about July 13, 2012, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 4, 2013.

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

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

-against-

M-419
Ind. No. 6351/08

Jason Hart,
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 (Ward, J.), entered on or about October 24, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Ward 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 April 4, 2013.

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

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

-against-

M-423
Ind. No. 2041/11

Delfino Tamares,
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 (Sonberg, J.), entered on or about December 6, 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 Sonberg 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 April 4, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Darcel D. Clark, Justices.

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

-against-

M-54
Ind. No. 5711/11

Roberto Geron, also known as
Robert Geron,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 11, 2012, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Benjamin Heinrich, P.C., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of 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 4, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Shaiju Kalathil,
Petitioner-Appellant,

M-245
M-443

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

Index No. 110797/11

-against-

Mercy College,
Respondent-Respondent.

-----X

Petitioner-appellant having moved, by separate motions, for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 7, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief (M-245); and for an enlargement of time to perfect said appeal (M-443),

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

It is ordered that motion (M-443) is granted to the extent of enlarging the time to perfect the appeal to the September 2013 Term, and it is further

Ordered that motion (M-245) for poor person relief is denied, with leave to renew upon the submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish petitioner's indigence, addressing petitioner's representation by retained counsel in the trial court and why such funds are not available for purposes of prosecuting the appeal, and submission of petitioner's income tax returns for the years 2011 and 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 April 4, 2013.

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

-----X
145 West 10 Realty LLC, a Limited
Liability Company,
Plaintiff-Appellant,

-against-

M-1435
Index No. 104845/06

Margaret Whelan,
Defendant-Respondent.

-----X

Defendant-respondent having moved for a preference in the hearing of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about July 3, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of directing the Clerk of this Court to calendar the appeal for hearing during the first week of the May 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 4, 2013.

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

-----X
Yousef Yahudaii,
Plaintiff-Appellant-Respondent,

-against-

Nourallah Baroukhian, et al.,
Defendant-Respondent-Appellant,
-----X

M-492
M-747
Index No. 103449/08

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 5, 2012,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the aforesaid appeal (M-492),

And defendant-respondent-appellant having cross-moved for an enlargement of time to perfect the aforesaid cross appeal, for certain sanctions and for other relief (M-747),

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 enlarging the time to perfect the appeal and cross appeal to the September 2013 Term, and otherwise denied (M-492/M-747).

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 4, 2013.

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

-----X

Young Woo & Associates, LLC and
YWA Two Eagles, LLC,
Plaintiffs-Respondents,

-against-

M-575
M-673
Index No. 652208/10

Andrew Y. Kim,
Defendant-Appellant,

Sahn Eagle LLC,
Non-Party Appellant,

Christine Rodriguez,
Non-Party Appellant.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 28, 2012,

And defendant-appellant Andrew Y. Kim and non-party appellant Sahn Eagle LLC, having moved for an enlargement of time to perfect their appeal from the aforesaid order (M-575),

And non-party appellant Christine Rodriguez having separately moved for the aforesaid relief (M-673),

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 enlarging the time to perfect the appeals to the September 2013 Term. The Clerk of the Court is directed to calendar the appeals for hearing together if so perfected.

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 4, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

Viking Global Equities, LP, et al.,
Plaintiffs-Respondents,

-against-

Porsche Automobil Holdings SE,
formerly known as Dr. Ing.
H.C. F. Porsche AG,
Defendant-Appellant.

- - - - -

Glenhill Capital LP, et al.,
Plaintiffs-Respondents,

-against-

Porsche Automobil Holdings SE,
formerly known as Dr. Ing.
H.C. F. Porsche AG,
Defendant-Appellant.

- - - - -

The Federation of German Industries
German Issuers, The Association of
German Banks, The Swiss Bankers
Association, The European Banking
Federation, Economiesuisse,
Mouvement Des Entreprises De France,
and German and American Law Professors,
Amici Curiae.

-----X

M-189
Index Nos. 650435/11
650678/11

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2012 (Appeal No. 8895),

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated January 31, 2013, and due deliberation having been had thereon,

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

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 4, 2013.

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

-----X
Joanne Matthews,
Plaintiff-Respondent,

-against-

M-942
M-1413
Index No. 303098/08

Bank of America, CB Richard Ellis,
Inc., CB Richard Ellis Real Estate
Services, LLC and JVN Restoration
Environmental Service Contractors,
Defendants-Appellants.

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 2, 2012, and said appeal having been perfected,

And plaintiff-respondent having moved for an enlargement of time to file her respondent's brief in connection with the aforesaid appeal (M-942),

And defendants-appellants having cross-moved for a stay of trial pending hearing and determination of the aforesaid appeal (M-1413),

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, as academic, the respondents brief having been filed (M-942). The cross motion is granted (M-1413).

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 4, 2013.

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

-----x

Those Interested Underwriters At
Lloyd's of London who subscribed
to the policy of insurance/certificate
number M-20266, WC-20266,
Plaintiffs/Counterclaim
Defendants-Appellants-Respondents,

M-1191
Index No. 651287/11

-against-

Bristol-Myers Squibb Company and
Bristol-Myers Squibb Canada Co.,
Defendants/Counterclaim
Plaintiffs-Respondents-Appellants.
-----x

Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about May 16, 2012 and from the same Court and Justice entered on or about November 29, 2012, respectively,

And plaintiffs having moved for consolidation of the appeals taken from the aforesaid orders, and for related relief,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties' dated March 1, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted in accordance with the aforesaid stipulation to the extent of consolidating plaintiffs' appeal from the order entered May 16, 2012 with the appeal and cross appeal from the order entered November 29, 2012 and enlarging the time to perfect said consolidated appeals and cross appeal to the September 2013 Term. The parties are directed to file a joint record/appendix and one set of appellants' points on or before May 22, 2013; respondents-appellants' points on or before July 12, 2013; appellants' reply points on or before August 9, 2013 and respondents' reply points on or before August 23, 2013 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 4, 2013.

Present - Hon. John W. Sweeny, Jr., 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-129
Ind. No. 5112/08

Barry Smith,

Defendant-Appellant.
-----X

An order of this Court having been entered on December 27, 2011 (M-4967), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 12, 2011, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is 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 4, 2013.

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

-----X
Zulma Gonzalez,
Plaintiff-Respondent,

-against-

M-392
Index No. 307085/10

660 East Tremont Avenue, LLC,
Defendant-Appellant,

Hea Kyoung Park, doing business as
Tremont Medical Center, et al.,
Defendants.

-----X

Defendant-appellant having moved for an order enlarging the time to perfect the appeals taken from orders of the Supreme Court, Bronx County, both entered on or about April 3, 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 appeals, which are sua sponte consolidated, to the September 2013 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellant's points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 4, 2013.

Present - Hon. John W. Sweeny, Jr., 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-

Jose Vasquez,
Defendant-Appellant.

M-201
SCI No. 3809/11
Docket No. 2011BX31823

-----X

An order of this Court having been entered on April 10, 2012 (M-623), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2012, under SCI No. 3809/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Docket No. 2011BX31823,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include SCI No. 3809/11 and Docket No. 2011BX31823, and extending the poor person relief previously granted to cover same.

ENTER:



CLERK

PM ORDERS

ENTERED ON

APRIL 4, 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 4, 2013.

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

-----X

Heidi Moon,
Petitioner-Appellant,

-against-

M-1400
Index No. 107637/10

Julie Tupler, et al.,
Respondent-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about August 17, 2012 and from a judgment of the same Court and Justice entered on or about October 1, 2012, respectively, and said appeals having been perfected, on a single record,

And respondents-respondents having moved to supplement the record on appeal to include certain moving papers submitted in support of and opposition to a motion to compel, or, in the alternative, to strike appellant's record on appeal, and to adjourn 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, directing petitioner-appellant to file a supplemental record on appeal to include the aforesaid moving and opposition papers submitted in connection with the subject motion to compel, on or before April 12, 2013, without prejudice to substantive arguments on reply and maintaining the appeal on the calendar for the June 2013 Term and otherwise denied. Sua sponte, the stay of enforcement of the aforesaid judgment entered on October 1, 2012 granted by a Justice of this Court on March 12, 2013, is continued, pending hearing and determination of the appeal.

ENTER:


CLERK