

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 23, 2013.

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

-----X  
Erika Neumann, et al.,  
Plaintiffs-Respondents,

-against-

M-632X  
Index No. 650091/11

Cenpark Realty, LLC, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York 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" January 31, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 23, 2013.

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

-----X  
Berkley Acquisitions LLC,  
Plaintiff-Appellant,

-against-

M-636X  
Index No. 652285/11

1141 Realty LLC,  
Defendant-Respondent.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about June 29, 2012 and from an order of the same Court entered on or about March 30, 2012 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2013, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 April 23, 2013.

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

-----X  
Metropolitan Bank Holding Corp.,  
Plaintiff-Respondent,

-against-

M-637X  
Index No. 651065/11

Urban National Holding Corp.  
Defendant-Appellant.

-----X  
(And another action)  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 30, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 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 23, 2013.

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

-----X  
Capital One, N.A.,  
Plaintiff-Respondent,

-against-

M-1059X  
Index No. 650403/11

Yudin & Yudin, PLLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 16, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 21, 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 23, 2013.

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

-----X  
Park Avenue Radiologist, P.C.,  
et al.,  
Plaintiffs-Appellants,

-against-

M-1076X  
Index No. 652235/11

Zukerman Gore Brandeis & Crossman,  
LLP,  
Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2012 and from an order of the same Court entered on or about August 13, 2012 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 22, 2013, 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 April 23, 2013.

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

-----X  
Trans Digital Media, LLC,  
Plaintiff-Respondent,

-against-

M-1221X  
Index No. 651815/12

Lisa Sumja and Pure Play Broadcasting  
Corp.,  
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 27, 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 23, 2013.

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

-----X  
Adonis Jimenez,  
Plaintiff-Respondent,

-against-

M-1222X  
Index No. 300268/09

J.N. Herrera-Cruz and Kiss Management Corp.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 17, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 28, 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 23, 2013.

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

-----X  
Francis Vargas,  
Plaintiff-Respondent,

-against-

M-1224X  
Index No. 116454/07

Scores Holding Company, Inc. and  
Go West Entertainment, Inc.,  
also known as "Scores West Side,"  
Defendants-Appellants.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2012 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 28, 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 23, 2013.

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

-----X  
Jerry B. Bias,  
Plaintiff-Respondent,

-against-

M-1226X  
Index No. 350016/10

Lauren Maillian Bias,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 6, 2012 (mot. seq. no. 010),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 27, 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 23, 2013.

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

-----X  
Juana Baez-Sharp,  
Plaintiff-Respondent,

-against-

M-1263X  
Index No. 105287/05

New York City Transit Authority  
and Metropolitan Transportation,  
Defendants-Appellants.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 16, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 4, 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 23, 2013.

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

-----X  
Juan Ramon Cazares Rodriguez,  
et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-631X  
Index No. 651514/10

Grupo Financiero HSBC, S.A.  
De C.V. HSBC Mexico, S.A., et al.,  
Defendants-Respondents-Appellants,

Jorge Leopoldo Herrejon Cohen,  
Defendant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2012 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2013, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2013.

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

-----X  
William Cruz,  
Plaintiff-Respondent-Appellant,

-against-

M-635X  
Index No. 18834/07

Miguel Nieves, et al.,  
Defendants-Appellants-Respondents.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 20, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 31, 2013, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Veronica George and Alphair H.  
Gabriel,  
Plaintiffs-Respondents,

-against-

M-752  
Index No. 28291/02

Donald McGeachy,  
Defendant-Appellant.

-----X

Defendant-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 May 9, 2012,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated April 4, 2012 from Bruno Gerbino & Soriano, LLP (Mitchell L. Kaufman, of counsel), and due deliberation having been had thereon,

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

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 23, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-767  
Ind. No. 6413/99

William Phillips,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 18, 2003 (Appeal Nos. 2522 and 2522A ), unanimously affirming a judgment of the Supreme Court, New York County (Joan Sudolnik, J.), rendered on January 13, 2000, and the order of the same Court and Justice entered on or about June 25, 2003,

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 23, 2013.

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

-----X

Nicholas Cassizzi, et al.,  
Plaintiffs-Appellants,

-against-

M-493  
Index No. 300521/09

Fordham University,  
Defendant-Respondent.

-----X

Plaintiffs-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 December 27, 2012 (Appeal No. 8902),

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 23, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Gilbert Carandang,

Defendant-Appellant.

-----X

M-761  
Ind. Nos. 6526/07  
2554/05

Defendant having moved for reargument or reconsideration of the decision and order of this Court entered on February 2, 2012 (Appeal No. 6684),

And an order of this Court having been entered on April 19, 2012 (M-893) denying the aforesaid relief,

And defendant-appellant having moved for reconsideration of the order of this Court entered on April 19, 2012 (M-893),

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 23, 2013.

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

-----X  
Harper Investments, Inc., et al.,  
Plaintiffs-Appellants,

-against-

Harper-Kilgore, LLC, et al.,  
Defendants-Respondents.  
-----X

M-848  
M-1374  
Index No. 650998/11

An order of this Court having been entered February 14, 2013 (M-203), consolidating the appeals taken by plaintiffs-appellants from orders of Supreme Court, New York County, entered on or about February 28, 2012 and March 23, 2012, respectively,

And plaintiffs-appellants having moved by separate identical motions (M-848/M-1374) for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 28, 2012 (mot. seq. no. 003),

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 aforesaid consolidated appeals 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 23, 2013.

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

-----X  
Ray Nelson,  
Plaintiff-Appellant,

-against-

M-952  
Index No. 303817/09

Tamara Taxi Inc. and Ahmed H.  
Ahmed,  
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 April 20, 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 23, 2013.

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

-----X  
Roberto Santana, as the Administrator  
of the goods, chattels and credits of  
Lourdes Fernandez, Deceased,  
Plaintiffs-Respondents,

-against-

M-1262  
Index No. 116416/08

Edwin DeJesus and New York City  
Transit Authority,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 15, 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 23, 2013.

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

-----X  
In the Matter of the Application of  
JPMorgan Chase Bank, N.A., as Trustee  
of the trust created by

Harry Edison,  
Grantor,

M-1417  
**Surrogate's Court**  
File Nos. 3676/10  
3676A/10

for the benefit of Edna L. Edison.

-----X  
In the Matter of the Application of  
JP Morgan Chase Bank, N.A., as Trustee  
of the trust created by

Harry Edison,  
Grantor,

**Surrogate's Court**  
File No. 3676/10

for the benefit of Sidney J. Edison.

-----X

Appellant, pro se, Judith Abrams having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about April 6, 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 23, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Horizon Asset Management, LLC (formerly  
known as Horizon Asset Management, Inc.),  
Plaintiff-Respondent-Appellant,

-against-

**SEALED**

Raymond V. Duffy, individually and  
derivatively on behalf of Horizon Asset  
Management Services, LLC,  
Defendant/Counterclaim Plaintiffs-  
Appellants-Respondents,

M-1824  
Index No. 602509/08

-against-

Murray Stahl, Horizon Asset Management  
Services, LLC (formerly known as Horizon  
Asset Management, Inc.) and Horizon  
Common, Inc.,  
Counterclaim Defendants-Respondents-  
Appellants.

-----X

Appeals and cross appeals having been taken to this Court by the respective parties from the orders of the Supreme Court, New York County, entered on or about October 14, 2011 (mot. seq. nos. 003, 004) and July 5, 2012 (mot. seq. no. 005), respectively, and said appeals and cross appeals having been perfected,

And defendant/counterclaim plaintiffs-appellants/  
respondents having moved for an order striking certain arguments  
in the respondents' brief,

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 determination of the appeal.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
In the Matter of

Evan L.,

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

M-1490  
Docket No. NN-6303/11

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

James L.,  
Respondent-Appellant.

-----X

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

And an order of this Court having been entered on January 17, 2013 (M-5788) granting leave to prosecute the appeal as a poor person and assigning Steven N. Feinman, Esq., as counsel to prosecute said 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 deemed withdrawn and assigned counsel is relieved.

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 23, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Bernice Mosca,  
Plaintiff-Respondent,

-against-

M-965  
Index No. 600097/07

MASS LLC,  
Defendant-Appellant.

-----X

Plaintiff-respondent 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 29, 2013 (Appeal No. 9082),

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 23, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Ahmad Alavian, et al.,  
Plaintiffs-Respondents,

-against-

M-274  
Index No. 103835/08

Ted Zane,  
Defendant-Appellant,

Arnold Ross,  
Defendant.

-----X

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 11, 2012 (Appeal No. 8785),

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 23, 2013.

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

-----X

In the Matter of the Application of  
James Neville seeking Advance  
Payment of Commissions in the  
Estate of Eugene F. Martin, Jr.,  
Deceased,

James Neville,  
Petitioner-Appellant.

M-821  
**Surrogate's Court**  
File No. 0826/06

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about January 14, 2013,

And petitioner-appellant having moved for a stay of enforcement of the aforesaid order 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 23, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
Platinum Pleasures,  
Petitioner,

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

M-1707  
Index No. 100371/13

-against-

New York State Liquor Authority,  
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 March 13, 2013, to review a determination of respondent,

And an order by a Justice of this Court having been entered on March 22, 2013 having continued a stay of proceedings set forth by the Supreme Court in orders dated February 22, 2013 and March 12, 2013,

And petitioner-appellant having moved to continue the aforesaid stay of proceedings,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court on March 22, 2013 is 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 23, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Abdul Hussain Jaffar Rahmat Allah  
Al Lawati, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

Montague Morgan Slade Ltd., et al.,  
Defendants,

M-740  
Index No. 651489/10

Peter Rigby,  
Defendant-Appellant-Respondent,

JSR Lawyers, et al.,  
Defendants-Respondents,

Montague Morgan Slade Limited,  
et al.,  
Nominal Counterclaim Defendants.

-----X

Defendant-appellant-respondent 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 8, 2013 (Appeal Nos. 8502, 8502A, 8502B and 8502C),

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 23, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X

New Century Mortgage Corporation,  
Plaintiff-Respondent,

-against-

Nicola McDonald,  
Defendant-Respondent,

M-947  
Index Nos. 14859/06  
6274/07

Gregory Pinnock, et al.,  
Defendants,

Rolda V. Furlonge, et al.,  
Defendants-Appellants.

- - - - -

(And Another Action)

-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 10, 2013 (Appeal No. 8977),

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 23, 2013.

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,

-against-

Omar Smith,

M-418  
M-990  
Ind. No. 4162/10

Defendant.  
-----x

Defendant having moved for relief deemed to be in the nature of a Certificate granting leave to appeal from the order of the Supreme Court, Bronx County, entered on or about July 27, 2012, which denied his motion pursuant to CPL 440.10 for vacatur of the judgment of conviction (M-418),

And the People having cross-moved for dismissal of the purported notice of appeal filed in connection with the aforesaid relief (M-990),

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

It is ordered that the motion (M-418) is denied, without prejudice to an application made by defendant upon papers filed in conformance with a requirements of CPL 460.15. The cross motion (M-990) is granted and the purported 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 23, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Nelson S. Román  
Darcel D. Clark, Justices.

-----X  
Alexis Defreitas,  
Plaintiff-Respondent,

-against-

M-810  
Index No. 107977/07

Manhattan and Bronx Surface  
Transit Operating 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 20, 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 23, 2013.

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

-----X  
Sentinel Capital PTE, Ltd.,  
Plaintiff-Appellant,

-against-

Bush Foods Overseas PVT Ltd.,  
Defendant-Respondent.

M-814  
Index No. 651308/11

-----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 April 13, 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 23, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
432 East 11<sup>th</sup> Street Corp., et al.,  
Plaintiffs-Appellants,

-against-

M-925  
Index No. 109308/05

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

-----X

Plaintiffs-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 May 3, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time 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 23, 2013.

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

-----X  
Dennis Mangan,  
Plaintiff-Appellant,

-against-

M-612  
Index No. 104965/09

Andrew A. Castagliola, 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 April 9, 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 23, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Steven D. Loftin,  
Plaintiff-Appellant,

-against-

M-1239  
Index No. 570500/09

Angel Ortiz, 79 St. Nicholas Pl.  
Ltd. Corp.,  
Defendants-Respondents.

-----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 November 9, 2009,

And an order of this Court having been entered on October 26, 2010 denying the aforesaid relief (M-4474),

And plaintiff-appellant having now moved for reconsideration of the aforesaid order of this Court entered on October 26, 2010 (M-4474),

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 for reconsideration 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 23, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
Peter J. Deering,  
Plaintiff-Appellant,

-against-

Angela C. Deering,  
Defendant-Respondent.

M-1544  
M-1843  
Index No. 304320/12

-----X  
A purported appeal having been taken by plaintiff from an order to show cause of the Supreme Court, New York County, dated February 26, 2013,

And plaintiff-appellant having moved for affirmative relief denied by a Justice of the Supreme Court, New York County, in the aforesaid order to show cause, dated February 26, 2013 ((M-1544),

And defendant-respondent having cross-moved for the imposition of certain sanctions (M-1843),

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, deemed to be one made pursuant to CPLR 5704(a), is denied (M-1544), and the cross motion is denied (M-1843).

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 23, 2013.

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

-----X  
In the Matter of the Application of  
Jacqueline Hill,  
Petitioner-Respondent,

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

M-1093A  
Index No. 400773/12

-against-

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

An order by a Justice of this Court having been entered on April 23, 2013 granting respondent-appellant leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about September 5, 2012 (M-1093),

And respondent-appellant having moved for a stay of the aforesaid order of the Supreme Court, New York County, entered on or about September 5, 2012, and/or alternative relief pending hearing and determination of the appeal,

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

Ordered that the motion is granted to the extent of granting a discretionary stay of the aforesaid order appealed pending hearing and determination of the appeal, and otherwise denied. (See M-1093, decided simultaneously herewith.)

ENTER:

  
CLERK

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

BEFORE: Hon. Paul G. Feinman  
Associate Justice of the Appellate Division

-----X  
In the matter of the Application of  
Jacqueline Hill,

Petitioner-Respondent,

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

M-1093  
Index No. 400773/12

-against-

New York City Housing Authority,

Respondent-Appellant.  
-----X

Respondent-Appellant New York City Housing Authority having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, dated August 27, 2012 and entered on or about September 5, 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.



Paul G. Feinman  
Associate Justice

Dated: March 11, 2013  
New York, New York

Entered: **APR 23 2013**

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-1278  
Ind. No. 1935/11

-against-

CERTIFICATE  
DENYING LEAVE

Bobby Mitchell, also known as  
Bobby Ray Mitchell,

Defendant.

-----X

I, Richard T. Andrias, 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, New York County, (Patricia Nunez, J.), entered April 26, 2012, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
March 22, 2013

**ENTERED**  
**APR 23 2013**

  
Justice of the Appellate Division

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-1365  
Ind. No. 2177/12

-against-

CERTIFICATE  
DENYING LEAVE

Andre Johnson, also known as  
Andre A. Johnson,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that the application  
by the above-named defendant for permission to appeal from the  
Order of the Supreme Court, New York County, (Thomas Farber, J.),  
entered on or about October 9, 2012, which denied defendant's  
motion to dismiss the indictment pursuant to CPL 210.20, is  
dismissed.

Dated: New York, New York  
April 3, 2013

**ENTERED**

**APR 23 2013**

  
Justice of the Appellate Division

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-1136  
Ind. No. 2436/02

-against-

CERTIFICATE  
DENYING LEAVE

James Kirk,

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 January 11, 2013, is hereby denied.

Dated: New York, New York  
March 12, 2013



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

**APR 23 2013**

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-1694  
Ind. No. 640/98

-against-

CERTIFICATE  
DENYING LEAVE

Luis Sanchez,

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 September 8, 2011, is hereby denied.

Dated: New York, New York  
April 5, 2013



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

**APR 23 2013**

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

BEFORE: Hon. Paul G. Feinman,  
Justice of the Appellate Division

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

M-806  
Ind. No. 1794/07

-against-

CERTIFICATE  
DENYING LEAVE

Larnell Hughes,

Defendant.

-----X  
I, Paul G. Feinman, 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 (Daniel P. FitzGerald, J.), entered on or about  
December 5, 2012, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York  
March 18, 2013

**ENTERED**

**APR 23 2013**