

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 January 3, 2013.

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

-----X
Douglas D. Menagh,
Plaintiff-Respondent,

-against-

M-5116X
Index No. 300032/09

Lucille Falcone,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2012 (mot. seq. nos. 001, 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 25, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
Joann Brancato,
Plaintiff-Respondent,

-against-

M-5248X
Index No. 303142/12

David Wirtz,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 22, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 5, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
Good News Delicatessen, Inc.,
Plaintiff-Respondent,

-against-

M-5484X
Index No. 650337/12

138 N.Y. Realty Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 7, 2012,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
Ion Constantine,
Plaintiff-Respondent,

-against-

M-5593X
Index No. 307085/09

Dan's Supreme Super Markets, Inc.,
doing business as Key Food,
Defendant-Appellant,

-and-

Riverdale Center NY LLC and
Riverdale Towing & Collision, Inc.,
Defendants.

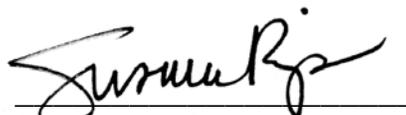
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 27, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
LF 420 West Broadway, LLC and
AHNS, LLC,
Plaintiffs-Respondents,

-against-

M-5594X
Index No. 653632/11

420 West Broadway Corporation,
Defendant-Appellant.
-----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" November 21, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Leland G. DeGrasse, Justices.

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

-against-

Tony Harrison,
Defendant-Appellant.

CONFIDENTIAL
M-4163
Ind. No. 3456/02

-----X

A decision and order of this Court having been entered on October 4, 2005 (Appeal No. 6638), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on June 30, 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 January 3, 2013.

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

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

-against-

M-4969
Ind. No. 861/11

Dwayne Buchanan,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 27, 2011, 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

Philip Capuano, et al.,
Plaintiffs-Respondents,

-against-

M-4743

Index No. 302194/09

Tishman Construction Corporation,
et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on September 11, 2012 (Appeal No. 7429),

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 January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
David Friedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Feinstein & Nisnewitz, P.C.,
Plaintiff-Respondent,

-against-

M-5552
Index No. 100972/10

Eastland 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 November 14, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to 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 January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Rolando T. Acosta
Nelson S. Román, Justices.

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

-against-

M-4153
Ind. No. 1642/06

Horace Hampton, also known as George
Hawkins,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 6, 2010 (Appeal No. 1489), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on May 18, 2007,

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 January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Judith J. Gische, Justices.

-----X
P & J Housing Partners, LLC,
Petitioner-Landlord-Appellant,

-against-

M-3974
Index No. 570281/11

Ruben Alvarado, Danny Valentine,
Cory Ramos, "John Doe" and/or
"Jane Doe",
Respondents-Tenants-Respondents.

-----X

Petitioner-landlord-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 December 22, 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 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 January 3, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Cheryl Ware,
Petitioner-Appellant,

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

-against-

M-5151
Index No. 403181/10

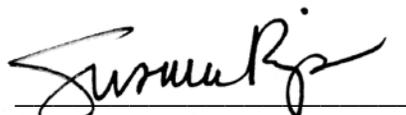
New York City Housing Authority,
Respondent-Respondent.
-----X

Respondent-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about March 18, 2011,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

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

-against-

M-4974
Ind. No. 5218/09

Johnny Norman,

Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2010, 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 (CPL § 460.30 subd. 1).

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 January 3, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Paul G. Feinman, Justices.

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

-against-

M-4820
Ind. No. 5926/00

Rodhames-Antonio Rodriguez,
Defendant-Appellant.

-----X

Respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 30, 2001, for failure to timely prosecute,

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 January 3, 2013.

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

-----X
Susan Capetola,
Plaintiff-Respondent,

-against-

M-3401
Index No. 400846/10

Anthony A. Capetola,
Defendant-Appellant.

- - - - -

Eliot F. Bloom,
Nonparty Appellant.

-----X

Nonparty appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 21, 2012 (Appeal No. 7993),

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 January 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Nelson S. Román
Judith J. Gische, Justices.

-----X
Cynthia Valeriano,
Plaintiff-Respondent,

-against-

M-5583
Index No. 402348/09

Aida H. Saliby,
Defendant-Appellant,

-and-

Bassem M. Elmasri,
Defendant.

-----X

Defendant-appellant having moved pursuant to CPLR 5704(a) for affirmative relief denied by a Justice of the Supreme Court, New York County, on or about July 12, 2012,

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

It is ordered that the motion is denied.

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 January 3, 2013.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
DC Media Capital, L.L.C., doing business
as Newtek Media Capital,
Plaintiff-Respondent,

-against-

Avi Sivan, et al.,
Defendants-Appellants,

Leon S. Segen, Esq.,
Attorney-Appellant.

M-5217
M-5208
Index No. 600378/07

-----X
Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 11, 2012,

And attorney-appellant having moved for an enlargement of time to perfect his appeal (M-5217),

And defendants-appellants having moved for the same relief (M-5208),

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

It is ordered that, sua sponte, the aforesaid appeals are consolidated, appellants are directed to perfect the appeals upon 9 copies of one record and one set each of appellant's points, and the time to perfect the consolidated appeals is enlarged to on or before February 19, 2013 for 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 January 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-4077
Ind. No. 2507/03

Angelo K. Grace, also known as Angelo
Kirk Grace,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 19, 2009 (Appeal No. 5289), unanimously affirming a judgment of the Supreme Court, New York County (Marcy L. Kahn, J.), rendered on November 4, 2004,

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 January 3, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

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

M-4855
-against- Ind. No. 2641/10

Joseph Spanarkel,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 1, 2011 (M-2939), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 11, 2011,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

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

-against- M-5291
Ind. No. 7686/99
Carlos Rodriguez,
Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2011, 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 (CPL § 460.30 subd. 1).

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 January 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clarke, Justices.

-----X
Liberty Architectural Products, Inc.
and Aspen Specialty Insurance,
Plaintiffs-Respondents-Appellants,

-against-

M-5287
Index No. 111731/08

A-Tech Restoration, Inc.,
Defendant-Appellant-Respondent,

American Safety Casualty Insurance Co.,
Defendants-Respondents-Respondents.

-----X
A-Tech Restoration, Inc.,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

Third-Party
Index No. 591059/08

Hanson & Ryan, Inc.,
Third-Party Defendant-Appellant-
Respondent,

-against-

Fairmont Insurance Brokers, Ltd.,
Third-Party Defendant-Respondent-
Respondent.

-----X

Consolidated appeals and a cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 16, 2011,

And third-party defendant-appellant-respondent Hanson & Ryan, Inc. having moved for an enlargement of time in which to perfect its 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 consolidated appeals and cross appeal to 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 January 3, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clarke, Justices.

-----X
Vernetta Rivers,
Plaintiff-Appellant,

-against-

M-5346
Index No. 303803/10

Villford Realty Corporation, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 18, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 January 3, 2013.

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

-----X

Donerail Corporation N.V.,
Plaintiff-Respondent,

-against-

405 Park LLC,
Defendant-Appellant.

- - - - -

405 Park LLC,
Plaintiff-Appellant,

-against-

Donerail Corporation N.V., et al.,
Defendants-Respondents.

-----X

Defendant-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 October 9, 2012 (Appeal Nos. 7703-7704),

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 January 3, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-4689
Ind. No. 4665/10

Ernan Ramirez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for dismissal of defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 1, 2011, by reason of defendant's deportation,

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 appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-5007
Ind. No. 30019/12

JR Santiago,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 29, 2012, and for an enlargement of time to perfect 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 motion is granted to the extent of deeming the notice of appeal timely filed and enlarging the time to perfect said appeal to on or before February 19, 2013 for 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 January 3, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Aaron Elkin,
Plaintiff-Appellant,

-against-

M-5189
Index No. 105411/08

Andrea Labis,
Defendant-Respondent.
-----X

An order of this Court having been entered on September 11, 2012 (M-2992), inter alia, consolidating the appeals taken by plaintiff from orders of the Supreme Court, New York County, entered on or about April 25, 2011, with plaintiff's appeal from the order of said Court entered on or about January 20, 2012, and enlarging the time to perfect the consolidated appeals to the January 2013 Term,

And plaintiff having moved to consolidate the aforesaid consolidated appeals with purported appeals taken from two orders of the Supreme Court, New York County, entered on or about May 31, 2012 and from an order of said court entered on or about June 5, 2012, respectively, and for a further enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect those appeals consolidated by the order of this Court entered on September 11, 2012 (M-2992) to on or before February 19, 2013 for the May 2013 Term, with no further enlargements to be granted, and sua sponte, dismissing the purported appeals taken from the orders entered on or about May 31, 2012 and June 5, 2012 (See CPLR 5701[a][2]).

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 January 3, 2013.

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

-----X
In the Matter of

Diana Angela Bedolla F.,

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

- - - - -
Catholic Home Bureau for Dependent Children,
Petitioner-Respondent,

M-5421
Docket No. B13317/08

Teresa F., also known as Teresa F. M.,
Respondent-Appellant.

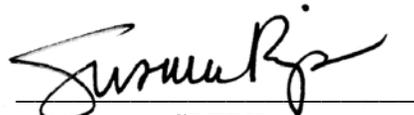
- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about June 21, 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 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 January 3, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Helen E. Freedman, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3954

Ind. No. 2081/05

Jovan Fludd,
Defendant-Appellant.

-----X

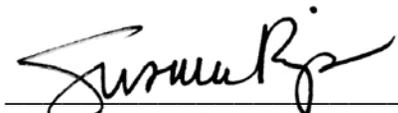
A decision and order of this Court having been entered on October 11, 2007 (Appeal No. 1679), unanimously affirming the judgment of the Supreme Court, New York County (Arlene Goldberg, J.), rendered on January 20, 2006,

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 January 3, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X
Laura Saavedra,
Plaintiff-Appellant,

-against-

M-4714
Index No. 18915/06

Jasmine S. Francis,
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal from the judgment of the Supreme Court, Bronx County, entered on or about September 23, 2011,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act,

Tonya A.,
Petitioner-Respondent,

-against-

M-5093
Docket No. F-17620/04

Hal H.,
Respondent-Appellant.

-----X
Petitioner-respondent having moved to dismiss the appeal from the orders of the Family Court, Bronx County, entered on or about November 24, 2010 and April 4, 2011, respectively, and for vacatur of this Court's prior stay of enforcement, dated July 19, 2011

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

It is ordered that the motion is granted and the appeal is dismissed and the stay granted by an order of a Justice of this Court, dated July 19, 2011 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 January 3, 2013.

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

-----X
Public Adjustment Bureau, Inc.,
Plaintiff-Appellant,

-against-

M-4997
Index No. 601202/05

Greater New York Mutual Insurance Company,
Defendant,

Seward Park Housing Corp.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 25, 2012 (Appeal No. 8090),

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 January 3, 2013.

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

-----X
IGS Realty Co., L.P.,
Petitioner-Respondent,

-against-

M-5501
Index No. 570674/11

James Catering, Inc., doing business as
Loft Eleven, etc.,
Respondent-Appellant.

IGS Realty, Co., L.P.,
Petitioner-Respondent,

-against-

Loft West Side at 37th Street, Inc., etc.,
Respondent-Appellant.

IGS Realty, Co., L.P.,
Petitioner-Respondent,

-against-

Loft Eleven Inc.,
Respondent-Appellant.

West Side Loft, Inc., et al.,
Plaintiffs-Appellants,

-against-

Index No. 600740/09

IGS Realty Co., et al.,
Defendants-Respondents.

IGS Realty, Inc., L.P., etc.,
Plaintiff-Respondent,

-against-

Index No. 603561/09

James H. Brady,
Defendant-Appellant.

-----X

Defendant-appellant James H. Brady 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 October 11, 2012 (Appeal Nos. 8261-8263),

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 January 3, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

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

-against-

M-4912
Ind. No. 10540/96

Jerry Quaid,
Defendant-Appellant.

-----X

Respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 12, 2010, **denying resentence**,

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 appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X
P.N.S. LLC,
Plaintiff-Respondent,

-against-

M-4941
Index No. 20289/06

521 Bruckner Blvd. Corp.,
Defendant,

Caribbean Produce, Inc.,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, on or about July 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 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 January 3, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

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

-against- **M-4944**
Ind. No. 2797/11

George Thomas,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 3, 2012 (M-1024), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 2, 2012,

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Nelson S. Román
Judith J. Gische, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4885

Ind. No. 4554/04

Yolanda Griffin,

Defendant-Appellant.

-----X

Assigned counsel having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 11, 2010, **denying resentence**,

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 appeal withdrawn.

ENTER:


CLERK

CORRECTED ORDER – January 25, 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 January 3, 2013.

PRESENT: Hon. David Friedman Justice Presiding,
Rolando T. Acosta
David B. Saxe
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Michael Egan and Sharon Egan,
Plaintiffs-Appellants,

-against-

Trump Park Avenue, LLC, JT Magen &
Company, Inc.,
Defendants-Respondents.

M-4803
M-4985
Index No. 570122/12

-----X
JT Magen & Company, Inc.,
Third-Party Plaintiff,

-against-

Manhattan Mechanical,
Third-Party Defendant.

Third Party
Index No. 590841/04

-----X

Defendant-respondent/third-party plaintiff JT Magen & Company, Inc. 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 June 27, 2012 (M-4803),

And defendant-respondent Trump Park Avenue, LLC having cross-moved for the aforesaid relief (M-4985)

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 denied (M-4803/M-4985).

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 January 3, 2013.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Dianne T. Renwick, Justices.

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

-against-

M-4705
Ind. No. 355/05

Joseph Fisher,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 24, 2009 (Appeal No. 81), unanimously reversing the judgment of the Supreme Court, New York County (Goodman, J.), rendered on November 23, 2005; and a second decision and order of this Court having been entered on June 23, 2010 (Appeal No. 5404), unanimously affirming the judgment rendered on March 23, 2010,

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 with respect to both aforesaid appeals, 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(s) 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 January 3, 2013.

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

-----X

Sule Cabukyuksel, et al.,
Plaintiffs,

-against-

M-5121

Index No. 108356/08

Ascot Properties, LLC,
Defendant.

- - - - -

Laskin Law PC,
Nonparty Petitioner-Respondent,

-against-

Marc E. Verzani,
Nonparty Respondent-Appellant.

-----X

Nonparty respondent-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 October 2, 2012 (Appeal Nos. 7619-7620),

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 January 3, 2013.

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

-----X

Benjamin J. Ashmore, Sr.,
individually, and as father of
Faith Ashmore, Benjamin Ashmore
and Lucienne Ashmore, minor
children,

M-5401

M-5527

Index No. 108248/11

Plaintiff-Appellant,

-against-

Dr. Wilma Cohen Lewis,

Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, 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 February 7, 2012 (M-5401),

And defendant-respondent having cross-moved for the dismissal of the aforesaid appeal (M-5527),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2013 Term (M-5401). Defendant-respondent's cross motion is denied (M-5527).

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 January 3, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Elie Hirschfeld,
Plaintiff-Respondent-Appellant,

-against-

M-5558

M-5561

Richard F. Czaja and Gregg Wolpert, Index No. 114340/09
etc.,
Defendants-Appellants-Respondents,

Stahl Associates Co.,
Nominal Defendant.

-----X
Richard F Czaja and Gregg Wolpert,
etc.,
Third-Party Plaintiffs
Appellants-Respondents,

-against-

Ethel J. Griffin, et al.,
Third-Party Plaintiffs,

Rachel Hirschfeld,
Third-Party Defendant
Respondent-Appellant.

-----X

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

And defendants having moved for an enlargement of time to perfect their appeal (M-5558),

And plaintiff-respondent having cross-moved for the dismissal of defendants' appeal (M-5561),

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 defendants' motion for an enlargement of time to perfect their appeal is granted to the extent of enlarging the time to perfect the appeal to on or before February 19, 2013 for the May 2013 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff-respondent serves a copy of this order upon the appellant(s) within 10 days after the date of entry hereof. (M-5558). Plaintiff-respondent's cross motion to dismiss defendants' appeal is granted unless said appeal is perfected (M-5561).

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 January 3, 2013.

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

-----X

Alexander M. Frame,

Plaintiff-Respondent,

-against-

M-5384

Index No. 601736/04

Kenneth L. Maynard, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an order deeming their appeal from the order of the Supreme Court, New York County, entered on or about October 3, 2012, as timely taken, pursuant to Governor Andrew Cuomo's Executive Order No. 52,

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.

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 January 3, 2013.

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

-----X

In the Matter of

"No Given Name" L.,
also known as Nayel L.,

M-5532

Docket No. B3756/11

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

- - - - -
Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Ivonessa L.,
Respondent-Respondent.

- - - - -

Lawyers for Children, Inc.,
Mark Leider, Esq., Shirim Nothenberg,
Esq.,
Attorney for the Child-Appellant.

-----X

Family Court attorney for the above named respondent Ivonessa L., D. Philip Schiff, Esq. having moved on said respondent's behalf, for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about June 15, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, D. Philip Schiff, Esq., 112 West 34th Street, 18th Floor, New York, NY 10120, Telephone No. (212) 946-2744, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. The appeal is adjourned to the April 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2013.

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

-----X
Wally Gutierrez, an Infant by his
Mother and Natural Guardian,
Yoselin Terrero,
Plaintiff-Appellant,

-against-

M-5163
Index No. 110543/08

New York City Health and Hospitals
Corporation (Metropolitan Hospital),
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 26, 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 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 January 3, 2013.

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

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

-against-

M-5200
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 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 January 3, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Francisco Garcia,
Plaintiff-Appellant-Respondent,

-against-

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

Safeway Construction Enterprises, Inc.,
Defendant-Respondent-Appellant.

- - - - -

And a Third Party Action

-----X

M-5193
Index Nos. 301213/08
83971/08

Plaintiff-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 October 9, 2012 (Appeal No. 8248-8248A),

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 January 3, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against- **M-4814**
Ind. No. 3798/10

John Stone,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 9, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-4481
Ind. No. 4622/05

-against-

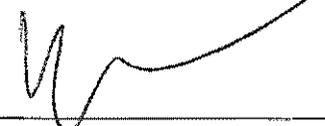
CERTIFICATE
DENYING LEAVE

Harry West,

Defendant.

-----X

I, Peter Tom, 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 February 16, 2012 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: December 11, 2012
New York, New York



JAN 03 2013

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-4719
Ind. No. 2001Bx013537

-against-

CERTIFICATE
DENYING LEAVE

Woodrow Flemming,

Defendant.

-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about January 17, 2012 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: December 11, 2012
New York, New York



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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-4770
Ind. No. 3832/99

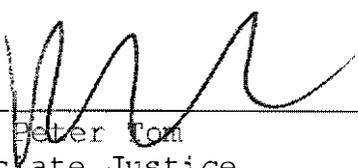
-against-

CERTIFICATE
DENYING LEAVE

Darold Freeman,

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about May 16, 2012 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: December 12, 2012
New York, New York



JAN 03 2013

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

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

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

-against-

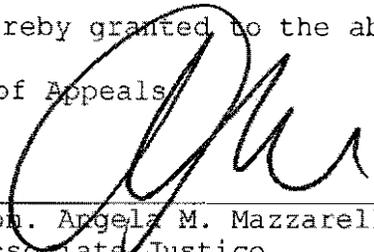
M-4663
Ind. No. 0041/2007

CERTIFICATE GRANTING
LEAVE TO APPEAL TO
THE COURT OF APPEALS

Mark Russell,
Defendant-Appellant.

-----X
I, Angela M. Mazzarelli, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that in the record and
proceedings herein questions of law are involved which ought to be
reviewed by the Court of Appeals and pursuant to CPL Section 460.20,
it is

ORDERED that permission is hereby granted to the above-named
respondent to appeal to the Court of Appeals.



Hon. Angela M. Mazzarelli
Associate Justice

Dated: ~~December 27~~, 2012
New York, New York

*Description of Order:

Supreme Court, Bronx County (Price, J.), entered on January 15, 2008.
App. Div., First Dept., Appeal No. 6801, Rev'd on September 4, 2012.

NOTICE: Within 10 days from the issuance of this certificate, a
preliminary appeal statement must be filed with the Clerk of the Court
of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.



JAN 03 2013

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

-against-

M-4958
Ind. No. 2359/03

Arcide Figueroa

ORDER DENYING ROR OR
BAIL PENDING APPEAL

Defendant.

-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on April 19, 2012, and defendant having moved pro se, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: December 10, 2012
New York, New York


Justice of the Appellate Division

ENTERED: **JAN 03 2013**

ORDER(S)

ENTERED ON

DECEMBER 28, 2012

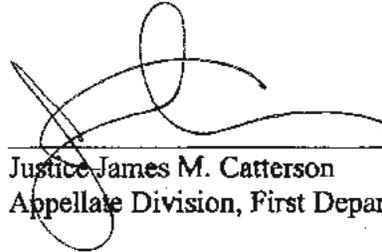
**SUPREME COURT, APPELLATE DIVISION
FIRST DEPARTMENT**

THE PEOPLE OF THE STATE OF NEW YORK)	
Respondent,)	Indictment Number 5248/08
v.)	M-5991
VINCENT BARONE)	
Defendant-Appellant.)	

ORDER

Pursuant to CPL 460.20, I hereby grant leave to appeal to the Court of Appeals from the decision in *People v. Barone*, -- A.D.3d --, Indictment Number 5248/08, decided on December 27, 2012 to Vincent Barone and certify "that the case involves a question of law which ought to be reviewed by the court of appeals."

Dated: 27 December 2012
LJS/HJS



Justice James M. Catterson
Appellate Division, First Department

ENTERED DEC 28 2012

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 28, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Mashreqbank PSC,
Plaintiff-Respondent,

-against-

M-5103

M-5110

Index Nos. 601650/09
590643/09

Ahmed Hamad Al Gosaibi & Brothers
Company,
Defendant-Appellant.

Ahmed Hamad Al Gosaibi & Brothers
Company,
Third-Party Plaintiff-Appellant,

Maan Abdul Waheed Al Sanea,
Third-Party Defendant-Respondent,

Awal Bank BSC,
Third-Party Defendant.

-----X

Plaintiff-respondent, Mashreqbank PSC, and third-party defendant-respondent, Maan Abdul Waheed Al Sanea, having moved by separate motions 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 September 25, 2012 (Appeal Nos. 6917 and 6918),

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 to the extent they seek reargument, are denied. So much of the motions which seek leave to appeal to the Court of Appeals are granted, and this Court, pursuant to CPLR 5713, certifies that the following question

of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court which reversed the judgment of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

A handwritten signature in black ink, appearing to read "Margaret Sawal". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail.

DEPUTY CLERK

PM ORDERS

ENTERED ON

JANUARY 03, 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 January 8, 2013.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Sheila Abdus-Salaam
Paul G. Feinman, Justices.

-----X
The People of the State of New York
ex rel. Joseph Mullady,
Petitioner,

-against-

M-4849A
Ind. No. 2864/88

Bruce Yelich, Superintendent of
Bare Hill Correctional Facility,
Respondent.

-----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 granted to the extent of transferring the matter to the Supreme Court, State of New York, Fourth Judicial District, 65 South Broadway, Saratoga Springs, NY 12866, for calendaring and disposition of said writ and service by mail upon the respective parties. The order of this Court entered on November 29, 2012 (M-4849) is hereby recalled and vacated.

ENTER:


CLERK