

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 10, 2013.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5717

Ind. No. 2696/11

Rashawn Gibson,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 10, 2013.

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

-----X

Town Sports International, LLC,

Plaintiff-Appellant,

-against-

M-5778X

Index No. 651064/10

Zachary Zakharyayev,

Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 11, 2012, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

Greenpoint Renaissance Enterprise Corp.,
Petitioner,

St. Nicks Alliance,
Petitioner-Appellant,

M-5718
Index No. 110976/10

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

-against-

Rafael Cestero, as Commissioner of New York City Department of Housing Preservation and Development, et al.,
Respondents-Respondents.

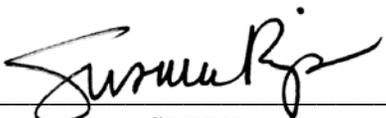
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 13, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed December 6, 2012, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

-----X
Ruben Cruz-Acosta,

Plaintiff-Appellant-Respondent,

-against-

M-5776

Index No. 20878/06

15 Fort Washington Avenue Housing
Development Fund Corporation, et al.,

Defendants-Respondents-Appellants.

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

- - - - -

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 16, 2011,

Now, upon reading and filing the stipulation of the parties hereto, filed December 11, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and the cross appeal, previously perfected for the September 2012 Term, 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 January 10, 2013.

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

-----X
Joseph LaMorte and Gloria LaMorte,
Plaintiffs-Appellants-Respondents,

-against-

M-5775
Index No. 120319/02

The City of New York and Consolidated Edison, Inc.,
Defendants-Respondents.

-----X
Consolidated Edison Company of New York, Inc.,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 590563/05

Nico Asphalt Paving, Inc.,
Third-Party Defendant.

-----X
Consolidated Edison Company of New York, Inc.,
Second Third-Party Plaintiff,

-against-

Second Third-Party
Index No. 590079/06

Felix Equities, Inc.,
Second Third-Party Defendant,

Roadway Contracting, Inc.,
Second Third-Party Defendant-
Respondent-Appellant.

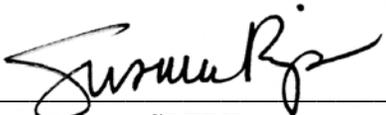
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 9, 2012 by the aforesaid plaintiffs-appellants-respondents (LaMorte) and second third-party defendant-respondent-appellant (Roadway Construction, Inc.),

Now, upon reading and filing the stipulation of the parties hereto, filed November 30, 2012, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal from the aforesaid order entered April 9, 2012, previously perfected for the November 2012 Term, 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 January 10, 2013.

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

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

-against-

M-5436
Ind. No. 2744/12

Alberta Bagu,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5439
Ind. Nos. 1769/12
2429/12

Haslee Burrus,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5441
Ind. No. 5801/11

Jamal Chamlee, also known as
Jamal Chanlee,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 8, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5447
Ind. No. 686/12

Raquel Freytes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 10, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5448
Ind. No. 2892/12

Christian A. Guzman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5449
Ind. No. 2063/12

Corey J. Jackson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 11, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5450
Ind. Nos. 4157/11
34/12

Nathaniel Jackson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 15, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5451
Ind. No. 4004/10

Abraham Monroy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5452
Ind. No. 5022/10

Godfrey Molemohi, also known as
Gregory Molemohi,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 13, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5453
Ind. No. 3878/12

Jose Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5454
Case No. 32282C/11

Naim Roper,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5455
Ind. No. 544/12

Amir Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5456
Ind. Nos. 269/11
335N/12

Steven Radtke, also known as Steve Melechonie,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 4, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5457
Ind. Nos. 1984/12
1044/12

Rodman Rivera,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5458
Ind. No. 3230/12

Nigel E. Sandy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5459
Ind. No. 136/12

Javier Tirado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 11, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5460
Ind. No. 1429/03

Clarence Wade, also known as
Clarence Wood,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 16, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5462
Ind. No. 1464/12

Julen Wayne,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

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

-against-

M-5477
Ind. No. 2352N/11

Lamont McCorkle,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Lawrence Kaplan,
Plaintiff-Appellant,

-against-

M-5333
Index No. 112252/10

U.S. Coal Corporation,
Defendant-Respondent,

East Coast Miner LLC,
Proposed Defendant-Intervenor.

-----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 January 25, 2012 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted to the extent of enlarging the time 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 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
112 East 35th Street, LLC

Plaintiff-Respondent,

-against-

M-5350
Index No. 603218/07

The New York Society of the
New Church,

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 January 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 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 10, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Catherine Humphries, as Executor
of the Estate of William Mistofsky,
Petitioner-Respondent,

-against-

Consolidated Edison of NY, Inc.,
Respondent-Appellant.

M-5383
Index Nos. 104148/97
100402/12

-----X

Respondent-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 January 4, 2012 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of 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 10, 2013.

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

-----X

Jessica Book,
Plaintiff-Respondent,

-against-

M-3624
Index No. 108696/11

Horizon Asset Management, et al.,
Defendants-Appellants.

-----X

Jessica Book,
Plaintiff-Appellant,

-against-

Index No. 300084/11

Horizon Asset Management, et al.,
Defendants-Respondents.

-----X

An appeal having been taken by defendants-appellants, Horizon Asset Management, et al., from an order of the Supreme Court, New York County (Index No. 108696/11), entered on or about December 22, 2011, and said appeal having been perfected,

And an appeal having been taken by plaintiff-appellant, Jessica Book, from an order of the Supreme Court, Bronx County (Index No. 300084/11), entered on or about June 18, 2012, and said appeal having been perfected,

And plaintiff, Jessica Book, having moved for an order adjourning defendants' appeal and consolidating defendants' appeal with plaintiff's appeal and for related relief,

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

Ordered that the motion is granted to the extent of directing the Clerk to calendar the aforesaid appeals for hearing together on the same day of the April 2013 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

-----X
112 West 34th Street Associates LLC,

Plaintiff-Respondent,

-against-

112-1400 Trade Properties LLC,

Defendant-Appellant.
-----X

M-4792

M-5017

Index No. 100846/09

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2012,

And defendant-appellant having moved to stay certain portions of the aforesaid order pending hearing and determination of the aforesaid appeal (M-4792),

And plaintiff-respondent having cross-moved for sanctions against defendant-appellant (M-5017),

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.

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 10, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Rolando T. Acosta
David B. Saxe, Justices.

-----X
Robert Banushi,

Plaintiff-Appellant-Respondent,

-against-

M-5679

Index No. 402693/10

Law Office of Scott W. Epstein,
and Scott W. Epstein,

Defendants-Respondents-Appellants.
-----X

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

And defendants having moved, inter alia, to strike plaintiff's record on appeal and to dismiss the appeal or, in the alternative, to compel plaintiff to submit a new record on appeal, for adjournment of the appeal and for leave to withdraw the cross appeal,

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

Ordered that the motion is granted to the extent of directing plaintiff to forthwith file a supplemental appendix to include defendants' motion to dismiss dated December 22, 2010, plaintiff's opposition to said motion to dismiss and defendants' reply thereto, and adjourning the appeal to the April 2013 Term, and deeming the cross appeal withdrawn and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

-----X
Nine Fifty-Five Development
Associates LLC,
Plaintiff-Respondent,

-against-

M-5335
Index No. 602513/09

Oliver LLC, et al.,
Defendants-Appellants,

Bank of America, et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 10, 2012 (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

CORRECTED ORDER 1/15/13

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 10, 2013.

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

-----X
Guy J. Jacobson, Individually, and
on behalf of 99-105 Third Avenue
Realty, LLC,

Plaintiff-Appellant,

-against-

Steven Croman, et al.,

Defendants-Respondents.
-----X

M-5587
Index No. **600886/07**

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 March 6, 2012 (mot. seq. No. 003),

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

It is ordered that the motion is granted to the extent of 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 10, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Mitzvah Inc., doing business as
Pisa Brothers Travel,
Plaintiff-Respondent,

M-4136
Index No. 105513/09

-against-

Pauline Power, et al.,
Defendants-Appellants.

-----X

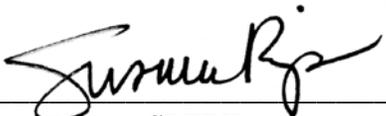
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 15, 2011 and on or about July 16, 2012 (mot. seq. no. 002), respectively,

And defendants-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering said appeals on or before February 19, 2013 for the May 2013 Term. Sua sponte, the time to perfect the consolidated appeals is enlarged to said May 2013 Term. The stay of trial previously afforded defendants by order of this Court entered on September 18, 2012 (M-3739) is continued upon the same terms and conditions, and on further condition that the appeal is perfected for said 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 10, 2013.

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

-----x
John R. Lucker, et al.,
Plaintiffs-Appellants, Action No. 1

-against- M-5661
Index No. 114818/09E
Bayside Cemetery, et al.,
Defendants-Respondents.

-----x
Steven R. Leventhal,
Plaintiff-Appellant, Action No. 2

-against- Index No. 100530/11E
Bayside Cemetery, et al.,
Defendants-Respondents.

-----x
An appeal having been taken to this Court in Action No. 1, by plaintiffs-appellants John R. Lucker, et al., from an order of the Supreme Court, New York County, entered on or about October 6, 2011 and an order of the same Court and Justice entered on or about October 7, 2011 (mot. seq. no. 002), respectively, and said appeal having been perfected (Index No. 114818/09E),

And an appeal having been taken in Action No. 2, by plaintiff-appellant Steven R. Leventhal from an order of the same Court and Justice, entered on or about February 16, 2012 (Index No. 100430/11E),

And plaintiffs-appellants having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect the appeal taken by Steven R. Leventhal in Action No. 2,

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 adjourning the perfected appeal of the plaintiffs-appellants John R. Lucker, et al., in Action No. 1 (Index No. 114818/09E) to the May 2013 Term and enlarging the time to perfect the aforesaid appeal taken by plaintiff-appellant Steven R. Leventhal in Action No. 2 (Index No. 100530/11E) to on or before February 19, 2013 for the May 2013 Term, and directing the Clerk of the Court to calendar the appeals for hearing together during said May 2013 Term, if so perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

Hudson Street Owners Equities LLC,

Petitioner-Landlord-Respondent,

-against-

M-4343

Index No. 570093/10

Dana Escoffier,

Respondent-Tenant-Appellant.

-----X

Respondent 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 26, 2012, and for other relief,

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

It is ordered that the motion is denied.

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 10, 2013.

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

-----X

In the Matter of

Savannah Love Joy F., also known as
Savannah Love Joy D.,

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

M-5325
Docket No. B42749/10

- - - - -
Episcopal Social Services, and the
Commissioner of Social Services of
the City of New York,
Petitioners-Respondents,

Andrea D.,
Respondent-Appellant.

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

-----X

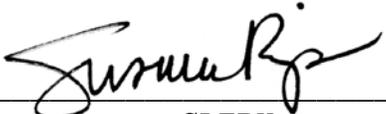
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 7, 2012, and for assignment of counsel, a free copy of the transcript, and for related relief,

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, Richard L. Herzfeld, Esq., 104 West 40th Street, 20th Floor, New York, NY 10018, Telephone No.

(212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

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 10, 2013.

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

-----X
Catapult Learning, LLC,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-5498
Index No. 109158/11

New York City Department of Education,

Defendant-Appellant.

-----X

Defendant-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 24, 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 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 10, 2013.

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

-----X
Ian Peck, individually and as Co-Executor
of the Estate of Joan Peck,

Plaintiffs-Appellants,

-against-

M-5160
Index No. 109460/06

Granite Tops Inc. and Sordul Slawamir,

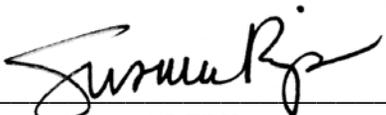
Defendants-Respondents.
-----X

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 January 14, 2011 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 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 10, 2013.

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

-----X
In the Matter of

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

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

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

M-5431
Docket Nos.
NN-10173-76/08
B-34398/10

Yesenia L.,
Respondent-Appellant,

Ariel S.,
Respondent.

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

-----X

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

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2013 Term. The stay previously granted by the order of this Court

on August 7, 2012 (M-2939) is continued upon the same terms and conditions, and on the additional condition that respondent-appellant perfects his appeal on or before March 18, 2013 for said June 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 10, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4211
Ind. No. 6221/06

David Wesley, also known as Kevin Kimp,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 28, 2011 (Appeal Nos. 5476 and 5477) unanimously modifying the judgment of the Supreme Court, New York County (John Cataldo, J.) rendered on or about August 14, 2007, otherwise affirming same, and affirming a judgment of the same Court and Justice rendered on or about November 27, 2007,

And an order of this Court having been entered on June 19, 2012 (M-2308) denying defendant's motion for a writ of error corum nobis,

And defendant-appellant having moved for leave to appeal to the Court of Appeals from the aforesaid order (M-2308) of this Court,

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

It is ordered that the motion is denied.

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 10, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
MBIA Insurance Corporation,
Plaintiff-Respondent-Appellant,

-against-

Countrywide Home Loans, Inc., et al., M-5850
Defendants-Appellants-Respondents, Index No. 602825/08

-and-

Bank of America Corp.,
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken to this Court from of the Supreme Court, New York County, entered on or about January 3, 2012, and said appeal having been perfected,

And The Association of Financial Guaranty Insurers having moved for leave to file a brief and leave to appear amicus curiae in connection with the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted, and the proposed copies of the proposed amicus curiae brief filed with the moving papers are deemed filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2013.

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

-----X

Ellen Brooks,

Plaintiff-Respondent,

-against-

M-5158

Index No. 116753/09

Sumerset Surgical Associates, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 15, 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, with no further enlargements to be 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 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Neil Reese and Gladys Reese,
Plaintiffs-Appellants,

-against-

M-5256
Index No. 16763/04

110 Church LLC, et al.,
Defendants-Respondents.
-----X
(And a third-party action)
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about January 19, 2012,

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

It is ordered that the motion is granted 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 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Joel Hand, Sarah Dudley Plimpton and
The Edgewater Apartments, Inc.,
Petitioners-Appellants,

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

-against-

M-5326
Index No. 116270/08

The Hospital For Special Surgery,
The New York City Council and the
New York City Planning Commission,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 3, 2012 (mot. seq. nos. 002, 003),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Sheva Y LLC,
Plaintiff-Respondent,

-against-

M-5307
Index No. 651713/10

Junnie Leigh New York, Inc. and
Junnie Leigh also known as Jung H.
Lee,
Defendants-Appellants.

-----X

Defendants-appellants 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 December 13, 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 June 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 10, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
David Robards, Jose Rivera, Patrick
Merrill, Miguel Munoz, Avi Oster
and Zichrini Oster,

Plaintiffs-Appellants,

-against-

M-5461
Index No. 112291/11

The State of New York, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about December 12, 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 10, 2013.

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

-----X

David Tash,

Plaintiff-Appellant,

-against-

M-5539

Index No. 25151/98

Federated Department Stores Inc.,
doing business as Macy's Department
Store,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about February 7, 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 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 10, 2013.

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

-----X
John P. Corrieri and Paul Corrieri,
Individually and as Co-Executors of
the Estate of John H. Corrieri,

Plaintiffs-Respondents,

M-5651
Index No. 118251/09

-against-

Schwartz & Fang, P.C., et al.,

Defendants-Appellants.
-----X

Defendants-appellants 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 18, 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 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 10, 2013.

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

-----X
Rosabel Oquendo,

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.
-----X

M-5655

Index No. 24564/05

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 7, 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 June 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 10, 2013.

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

-----X
Han Soo Lee and Soon Ok Jang,
Plaintiffs-Respondents,

-against-

M-5580
Index No. 113585/03

Riverhead Bay Motors, et al.,
Defendants,

Edward H. Suh, Esq. and Associates,
P.C.,
Non-Party Appellants,

Kenneth Wilhelm, Esq.,
Non-Party Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2011,

And non-party appellant, Edward H. Suh, Esq., having moved for an enlargement of time to perfect his appeal and for an order directing plaintiffs-respondents to provide all exhibits entered into evidence in the prior proceedings in Supreme Court to said non-party appellant Suh,

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 on or before March 18, 2013 for the June 2013 Term, and directing non-party appellant Suh to provide plaintiffs-respondents with a list of any missing documents, and directing plaintiffs-respondents to then provide said documents, or an explanation concerning why said documents cannot be located, to non-party appellant Suh.

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 10, 2013.

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

-----X

In the Matter of the Application of

K.Y.W. Enterprise Corp.,
Petitioner,

-against-

M-5722

Index No. 104210/12

Hon. Michelle D. Schreiber, Housing
Court Judge, Civil Court, New York
County,

-and-

Tyler Kim,
Respondent.

-----X

Petitioner having applied ex parte for affirmative relief denied by a Justice of the Supreme Court, New York County, on or about November 18, 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 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 10, 2013.

Present - Hon. David B. Saxe, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Henry Santana,
Petitioner,

For a Judgment Pursuant to Article 78 M-5192
of the Civil Practice Law and Rules, M-5644
Index No. 402539/11
-against-

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

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 12, 2012,

And respondent having moved for dismissal of the aforesaid proceeding for failure to timely perfect (M-5192),

And petitioner having cross-moved for an enlargement of time to perfect the proceeding (M-5644),

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

It is ordered that motion is granted to the extent of dismissing the proceeding unless it is perfected on or before February 19, 2013 for the May 2013 Term (M-5192). The cross motion is granted accordingly to the extent of enlarging the time to perfect the proceeding to the May 2013 Term (M-5644).

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 10, 2013.

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

-----X
In the Matter of the Application
of The State of New York,

Petitioner-Respondent,

-against-

M-5446
Index No. 250306/11

Enrique T.,

Respondent-Appellant,

For Civil Management Pursuant to
Mental Hygiene Law Article 10.

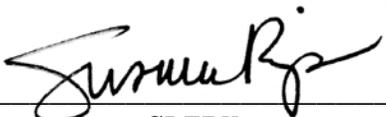
-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the orders of the Supreme Court, Bronx County, entered on or about February 15, 2012, and from an order of the same Court and Justice entered on or about March 1, 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 June 2013 Term, with no further enlargements to be granted.

ENTER:


CLERK

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-5137
New York Co.
Indictment No.
310/09

-against-

CERTIFICATE
DENYING LEAVE

Harry Smith,

Defendant.
-----X

I, David B. Saxe, 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 for other relief, 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 July 12, 2012 is hereby denied.

Dated: January 3, 2013
New York, New York

Entered: January 10, 2013


Justice of the Appellate Division

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

PM ORDERS

ENTERED ON

JANUARY 10, 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 10, 2013.

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

-----x

In re Bryant Parks,
Petitioner-Respondent,

-against-

M-4699

M-4775

Index No. 402363/10

New York City Housing Authority,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 3, 2011,

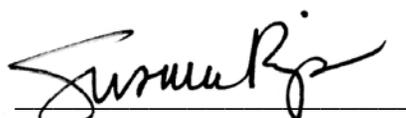
And a decision and order of this Court having been entered on November 8, 2012 (Appeal No. 8415), unanimously reversing the aforesaid judgment of the Supreme Court, New York County (Barbara Jaffe, J.), entered on May 3, 2011, and denying and dismissing the petition,

And petitioner having moved, by separate motions, for poor person relief and a stay of eviction 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 motions are denied, as moot, the appeal already having been heard and decided.

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 10, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Charla Bikman,
Plaintiff-Appellant,

-against-

595 Broadway Associates,
Defendant-Respondent.

M-5013
M-5247
Index No. 115256/09

-----X

Plaintiff-appellant having moved (M-5013) 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 4, 2011 [Appeal Nos. 5615, 5616, 5616A and 5616B],

And defendant-respondent having cross-moved (M-5247) for, inter alia, costs and attorneys' fees,

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-5013) is denied, with \$100 costs to defendant-respondent. The cross motion (M-5247) is granted only to the extent that, pursuant to 22 NYCRR Part 130, sanctions are imposed on plaintiff-appellant in the amount of \$2,500, to be deposited with the Lawyers' Fund for Client Protection (22 NYCRR 130-1.3), with \$100 costs awarded to defendant-respondent. The Clerk of the Supreme Court, New York County, is directed to enter judgment accordingly, and the cross motion is otherwise denied.

The cross motion for sanctions pursuant to 22 NYCRR Part 130 (M-5247) is granted to the extent indicated based on the findings of this Court that plaintiff, an attorney previously admitted to practice in this state, engaged in frivolous conduct within the

meaning of 22 NYCRR 230-1.1 by commencing this action, which is barred as a matter of law by a prior adjudication against plaintiff in a summary holdover proceeding, then by prosecuting the appeal from the dismissal of the complaint and, after the appeal was decided by moving for reargument of the appeal or, in the alternative, for leave to appeal to the Court of Appeals. Accordingly, we award defendant-respondent statutory costs on both the motion (M-5013) and the cross motion (M-5247), and also impose a sanction of \$2,500 on plaintiff-appellant (see 22 NYCRR 130-1.1[a]; 22 NYCRR 130-1.2), to be deposited as indicated.

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 10, 2013.

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

-----X

Melissa C. D.,
Plaintiff-Respondent,

-against-

M-5124A
Index No. 313679/10

Rene I. D.,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, dated October 25, 2012,

And defendant-appellant father Rene I. D., having moved to stay all aspects of the aforesaid order, pending hearing and determination of the appeal, and for other relief including an order granting him sole custody of the child, S.D.,

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

It is ordered that the motion is granted to the extent of staying enforcement of the aforesaid order pending hearing and determination of the appeal on condition the appeal from the order entered on or about October 25, 2012 is perfected on or before March 19, 2013 for the June 2013 Term. The motion, to the extent it seeks other relief including but not limited to sole custody of the child S.D., is otherwise denied. The order of this Court entered on December 20, 2012 (M-5124) is hereby recalled and vacated.

ENTER:


CLERK