

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 May 16, 2013.

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

-----X
Crescencio Herrera,
Plaintiff-Appellant,

-against-

M-1890X
Index No. 22521/06

Jackson Development Group, Ltd.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 14, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 1, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Rondi D'Agostino,
Plaintiff-Appellant,

-against-

M-1891X
Index No. 651452/11

Ling Kwok, et al.,
Defendants-Respondents.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 29, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Marcia Gonzalez,
Plaintiff-Respondent,

-against-

M-1892X
Index No. 303158/11

Francis P. Sicola, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 21, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 29, 2013, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Vivian Vasquez,
Plaintiff-Respondent,

-against-

M-1922X
Index No. 302356/09

Beverly Grunfeld, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 6, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 1, 2013, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Glenn Nussdorf, et al.,
Plaintiffs-Respondents,

-against-

M-1789
Index No. 601359/09

BDO Seidman, LLC, Eric Hananel,
Joseph Klausner and Lawrence Cohen,
Defendants-Appellants,

Gramercy Advisors, LLC, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 4, 2012 (mot. seq. no. 013)

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1473
Ind. No. 1053/12

Kammara Murrey,

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 December 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

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

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

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 May 16, 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-1482
Ind. No. 1566/12

Sentell Smith, also known as Ameer,
also known as FDR,

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 February 13, 2013, 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

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 May 16, 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-1486
Ind. No. 6190/02

Norgado Vasquez,
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 March 21, 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 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

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

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 May 16, 2013.

PRESENT : Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
Grigoriy Zaltsman, also known as
Gregory Zaltsman,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-1639
Index No. 402178/12

-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 March 8, 2013,

And petitioner having moved to enlarge the record on appeal and for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

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

ENTER:


CLERK

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X

In re East 51st Street Crane Collapse
Litigation,

Defendant-Appellant.

M-2134
Index No. 769000/08

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 20, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X
In the Matter of the Application for
Adoption of the Child,

Camille W., Jr.,

A Child Under the Age of 18 Years of
Age Alleged to be Abandoned.

CONFIDENTIAL

M-1813

Docket No. A-17839/11

- - - - -
Mr. W. and Ms. B.-W.,
Petitioners-Respondents,

-against-

Camille W., Sr.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about October 23, 2012, and said appeal having been perfected,

And petitioners-respondents having moved for leave to respond, as a poor person, to the appeal, for assignment of counsel, and for an enlargement of time to perfect the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, New York 10017, Telephone No. (212) 972-5430, 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 and adjourning the appeal to the November 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 May 16, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X

In the Matter of

Julian Raul S.,
Oscar Innacio S.,

M-1969

Docket Nos. B3691/11
B3692/11

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

Catholic Guardian Society & Home Bureau,

Petitioner-Respondent,

Oscar S.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on December 27, 2012 (M-4808), granting respondent-appellant father leave to prosecute the appeal taken from the order of the Family Court, New York County, entered on or about September 21, 2012, and assigning Lewis S. Calderon, Esq., as counsel on said appeal, and said appeal having been perfected,

And respondent-appellant father 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 December 20, 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, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432 , Telephone No. (718) 883-1560, 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.** The purported appeal is adjourned to the October 2013 Term with leave to respondent-appellant to move to calendar the aforesaid appeals for hearing together and for further adjournment of the perfected appeal if so advised.

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 May 16, 2013.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Jenny F.,
Petitioner-Respondent,

M-1871
Docket No. 0-27347/12

-against-

Felix C.,
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 February 22, 2013, 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, Douglas Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, 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 May 16, 2013.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----x

Martha Sanchez, by her daughter,
guardian ad litum, Wanda Lendof,
Plaintiffs-Respondents,

-against-

M-1471
Ind. No. 17210/07

554 West 181 Associates and Stonecrest
Management Co.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 27, 2012, and said appeal having been perfected,

And plaintiffs-respondents having moved for leave to file a supplemental record to include certain orders, affidavits, petitions and exhibits, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X
Bill Bace,
Plaintiff-Appellant,

-against-

M-1897
Index No. 116757/02

Tai May Realty, Inc.,
Respondent-Respondent.
-----X

Plaintiff-appellant pro se having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 25, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term 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 May 16, 2013.

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

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

Respondent,

-against-

M-1009
Ind. No. 5108/08

Elvis Nuñez,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2010,

And defendant-appellant pro se having moved for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal,

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

It is ordered that the motion is denied, without prejudice to defendant-appellant, upon review of an appellate brief filed by assigned counsel on appellant's behalf, moving for permission to file a pro se supplemental brief on the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Rosabel Oquendo,

Plaintiff-Appellant,

-against-

City of New York,

Defendant-Respondent.
-----X

M-1560
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 October 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Jose Kruk and Jennifer Kruk,
Plaintiffs-Appellants,

-against-

M-1997
Index No. 108964/07

City of New York,
Defendant-Respondent.

-----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 July 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 October 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Ian Peck, Individually and as co-
executor of the Estate of Joan Peck,
Plaintiff-Appellant,

M-1571
Index No. 109460/06

-against-

Granite Tops, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 14, 2011,

And plaintiff-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 October 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Ethan Ebanks, an Infant by his
Mother and Natural Guardian,
Gracie Brown,
Plaintiff-Appellant,

-against-

M-1625
Index No. 18174/07

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Joyce Ford-Eady,

Plaintiff-Respondent,

-against-

Junaid Ahmad and Michel Roche,

Defendants-Appellants.
-----X

M-1821

Index No. 111765/09

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Irv Tregerman, D.D.S.,
Plaintiff-Appellant,

-against-

M-1046
Index No. 650969/10

Neal Auerbach, D.D.S.,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 15, 2012 and August 15, 2012, and from the judgment entered on or about August 29, 2012,

And defendant-respondent having moved for an order dismissing the aforesaid appeals and for sanctions and costs,

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

Ordered that defendant-respondent's motion is denied without prejudice to defendant raising arguments for dismissal of the appeals in his respondent's brief. So much of the motion which seeks sanctions and costs 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 May 16, 2013.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1730

Ind. Nos. 5236/99

Alex Ramos, also known as Alberto Lugo,

500/99

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from an order of the Supreme Court, New York County, entered on or about August 7, 2012, **denying resentence**, 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, as premature, the appeal not having yet been 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 May 16, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Vivienne S.,

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

M-2052
Docket No. N-6061/11

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

Makena A. M. McK., also known
as Makena McK.,
Respondent-Appellant.

- - - - -
Margaret Tarvin, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, separate appeals taken from orders of the Family Court, New York County, entered on or about November 1, 2011, August 1, 2012, and September 14, 2012, respectively, for the assignment of counsel, a free copy of the transcript, an enlargement of time to perfect said 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 the motion is granted only to the extent of enlarging the time to perfect the appeals to the October 2013 Term. So much of the motion which seeks leave to prosecute said appeals as a poor person and for the assignment of counsel is

denied, with leave to renew upon submission of an attorney certification pursuant to Family Court Act 1118 or alternatively, upon submission of a further CPLR 1101 (a) affidavit addressing whether respondent-appellant was granted poor person relief in the Family Court and if respondent retained counsel, why those funds are not available to retain counsel for the appeal, and, in the event private counsel was retained in the Family Court, attaching State and Federal income tax statements for the years 2011 and 2012.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

-----x
In the Matter of Anthony Hill,
Petitioner,

For a Judgment Under Article 78 of
the CPLR,

-against-

M-1133
Index No. 400544/11

Jonathan David, Record Access Appeals
Officer,
Respondent.

-----x
Petitioner having moved for leave to prosecute, as a poor person, the purported appeal from a judgment of the Supreme Court, New York County, entered on or about September 10, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of the judgment appealed from.

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 May 16, 2013.

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

-----X
Clara A. Sharma,
Plaintiff-Appellant,

-against-

Ridgewood Savings Bank,
Defendant-Appellant.

M-1423
Index No. 112892/10

-----X

Plaintiff-appellant, pro se, 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 July 19, 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 December 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Oleg Cassini, Inc.,
Plaintiff-Respondent,

-against-

M-1495
Index No. 651546/10

Martin Terzian, Pacific Connections,
Inc. and Atlantic and Pacific Group,
LLC,
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 27, 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 on or before August 5, 2013 for the October 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013

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

-----X
TADCO Construction Corp., US Fire
Insurance Company,
Plaintiffs-Appellants,

-against-

M-1106
M-1219
Index No. 600037/07

Dormitory Authority of the State
of New York,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 3, 2011,

And plaintiff-appellant TADCO Construction Corp. having moved to withdraw the aforesaid appeal, without prejudice (M-1106),

And defendant-respondent having moved to dismiss said appeal for failure to timely perfect (M-1219),

Now, upon reading and filing the papers with respect to the motions including the correspondence from the City of New York Law Department (Steven C. Brown, of counsel) dated March 22, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn (M-1106). The motion seeking dismissal of the aforesaid appeal is withdrawn in accordance with the aforesaid correspondence (M-1219).

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 May 16, 2013.

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

-----X
Thomas Summer, et al.,
Plaintiffs-Respondents,

-against-

M-1559
Index No. 114295/11

Ruckus 85 Corp.,
Defendant-Appellant,

Charles Grooms, et al.,
Defendants.

-----X

Defendant-appellant Ruckus 85 Corp. 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 July 2, 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 September 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Andrew Beck, III,
Plaintiff-Appellant,

-against-

Studio Kenji, Ltd., et al.,
Defendants-Respondents.

M-1530
Index No. 108995/09

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect his appeal from the order of the Supreme Court, New York County, entered on or about December 27, 2011 (mot. seq. no. 010),

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Luis F.,
Petitioner-Appellant,

M-1714
Docket No. V-7006/11

-against-

Dayhana D.,
Respondent-Respondent.

Taisha Chambers, Esq.,
The Children's Law Center,
Attorney for the Child.

-----X
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about August 9, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, 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.

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 May 16, 2013.

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

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Patricia P.,
Petitioner-Respondent,

-against-

David J. M., Jr.,
Respondent,

M-1554
Docket No. V-15579/10

-and-

Lovenia B.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeals from the orders of the Family Court, New York County, entered on or about January 29, 2012 and May 29, 2012 respectively, 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 denied, as academic, the appeals having been dismissed by order of this Court entered on March 26, 2013 (M-647).

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 May 16, 2013.

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

-----X
The Bank of New York as Trustee for
The Certificateholders CWALT, Inc.
Alternative Loan Trust 2006-OCI,
Petitioner-Appellant,

-against-

M-1351
Index No. 381626/08

Sharon Smith, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 1, 1012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Kimberly Andron,
Plaintiff-Appellant,

-against-

M-1510
Index No. 651324/10

Howard Libby,
Defendant-Respondent,
-----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 May 15, 2012,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

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

Respondent,

-against-

M-1328
Ind. No. 2864/12

Fernando Michel,

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 February 6, 2013, 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 May 16, 2013.

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

-----X
Professional Advertising, Inc.,
doing business as Mail Wholesale,
Plaintiff-Respondent,

-against-

Intercontinental Capital Group, Inc.,
Defendant-Appellant.
-----X

M-1459
M-1528
Index No. 651904/11

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about June 6, 2012 (M-1459),

And defendant-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-1528),

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 to dismiss the appeal is granted unless the appeal is perfected for the October 2013 Term (M-1459). The cross motion is granted accordingly to the extent of enlarging the time to perfect the appeal to the October 2013 Term (M-1528).

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 May 16, 2013.

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

-----X
In the Matter of

Dashell J.,
Joshua B., and
Jaziah B.,

M-1069

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

Docket Nos.
NN-4579-82/10

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

Sameerah B.,
Respondent-Appellant.

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

- - - - -
In the Matter of

Jadaquis B.,

A Child Under 18 Years of Age
Pursuant to Article 10 and/or
Article 6 of the Family Court Act.

Docket Nos. NN-4579/10
V-24999/09

- - - - -
Commissioner of the Administration
for Children's Services, City of
New York,
Petitioner-Respondent.

Sameerah B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about November 29, 2012, November 30, 2012 and December 21, 2012, respectively, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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 May 16, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Judith J. Gische, Justices.

-----X

Domingos Mouta, et al.,
Plaintiffs-Respondents,

-against-

M-1243
M-1387

Essex Market Development LLC,
Defendant-Appellant-Respondent,

Index No. 307749/08

JF Contracting Corp.,
Defendant-Respondent-Appellant,

MSS Construction Corp.,
Defendant.

- - - - -

Essex Market Development LLC,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

Index No. 83824/09

Marangos Construction Corp.,
Third-Party Defendant-Respondent-
Appellant.

- - - - -

JF Contracting Corp.,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

Index No. 83768/09

Marangos Construction Corp.,
Third-Party Defendant-Respondent-
Appellant.

-----X

Third-party defendant-respondent-appellant, Marangos Construction Corp., having moved for reargument of the decision and order of this Court entered on February 19, 2013 (Appeal No. 9269), and for a stay of trial pending hearing and determination of this motion [M-1243],

And plaintiff-respondents Domingos Mouta, et al., defendant/third-party plaintiff-respondent-appellant JF Contracting Corp., and third-party defendant-respondent-appellant Marangos Construction Corp. having moved by separate subsequent motions, on different grounds for, inter alia, reargument, and/or leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 19, 2012 (Appeal No. 9269) [M-1387],

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 [M-1243/M-1381] are granted to the extent of granting reargument and, upon reargument, the decision and order of this Court entered on February 19, 2012 (Appeal No. 9269) is recalled and vacated and a new decision and order substituted therefor (see Appeal No. 9269, decided simultaneously herewith), and the motions are 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 May 16, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Judith J. Gische, Justices.

-----X

J. Remora Maintenance LLC, et al.,
Plaintiffs-Respondents,

-against-

M-1373

Index No. 650943/11

German Efromovich,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 19, 2013 (Appeal Nos. 9263-9265),

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 May 16, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Lynda Antonetti and Ralph Antonetti,
Plaintiffs-Appellants,

-against-

M-1555
Index No. 6149/00

The City of New York and The New York
City Board of Education,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 January 12, 2012 and from the judgment of said Court entered on or about January 17, 2012, respectively,

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

Sua sponte, the appeals are consolidated and appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

It is further ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the September 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

Alini Brito,
Petitioner-Respondent,

-against-

Dennis M. Walcott, etc.,
Respondent-Appellant.

M-1846
Index No. 100372/11

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 25, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Antonio Pineda,
Plaintiff-Appellant,

-against-

M-1489
Index No. 308354/08

Wesley Werner Moore & Truckin Moore,
Defendants-Respondents.

(And another action)
-----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 May 4, 2012,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Norma Rosario,
Plaintiff-Respondent,

-against-

M-1845
Index No. 309737/08

The City of New York,
Defendant-Appellant,

-and-

High View Owners Inc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about June 6, 2012,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
The People of the State of New York
ex rel. Taliv Ali,

Petitioner,

M-1754

Ind. No. 3043/99

-against-

The State of New York,

Respondent.

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, and 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 matter is transferred to the Supreme Court, State of New York, Clinton County, County Government Center 137 Margaret Street, Plattsburgh, New York 12901 for calendaring and other appropriate action.

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 May 16, 2013.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
The People of the State of New York
ex rel. Henry Huggins,
Petitioner,

-against-

M-1753
Ind. No. 5872/12

Edmund Duffy, Warden, etc., et al.,
Respondent(s).

-----X

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

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

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

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

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against- **M-1873**
Ind. No. 1780/02

Venus Harrison, also known as Venus C.
Harrison,
Defendant-Appellant.

-----X

The People having moved for dismissal of defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2007,

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

It is ordered that the motion is denied, with leave to renew upon service of the motion by the People upon Robert S. Dean, Esq., assigned counsel for defendant.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
WF Kosher Food Distributors, Ltd.,
A wholly owned subsidiary of G. Willi- Action No. 1
Food International, Ltd.,
Plaintiff-Appellant, **M-1375**
Index No. 602005/08
-against-

Laish Israeli Food Company, Ltd.,
et al.,
Defendants-Respondents.

-----X
860 Nostrand Associates, LLC,
Third-Party Plaintiff-Respondent, Action No. 2
-against- Third-Party
Index No. 590074/09

G. Willi-Food International, Ltd.,
Third-Party Defendant-Appellant,

-against-

Eli Biran and Arie Steiner,
Third-Party Defendants.

-----X
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 2, 2012 [Action No. 1] and on or about February 1, 2013 [Action No. 2], respectively,

And plaintiff-appellant WF Kosher Food Distributors, Ltd., etc. having moved for and enlargement of time to perfect the appeal from the aforesaid order entered on or about July 2, 2012 and to consolidate the appeals in both actions,

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 consolidating the aforesaid appeals and permitting plaintiff-appellant WF Kosher Food Distributors, Ltd. [Action No. 1] and third-party defendant-appellant G. Willi-Food International, Ltd. [Action No. 2] to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the consolidated appeals, and enlarging the time to perfect the consolidated appeals to on or before August 5, 2013 for the October 2013 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----x
Robert Chevola,
Plaintiff-Respondent-Appellant,

-against-

M-1926
M-1584

Broadway Park Reit, doing business as
237 Park Nominee, LLC, et al.,
Defendants,

Index No. 116138/07

Bear Stearns Analytics Corporation,
et al.,
Defendants-Respondents,

Hunter Roberts Construction Group, LLC,
et al.,
Defendants-Respondents-Appellants.

Hunter Roberts Construction Group, LLC,
et al.,
Third-Party Plaintiffs-Respondents-
Appellants,

Index No. 590878/08

-against-

Petrocelli Electric,
Third-Party Defendant.

Hunter Roberts Construction Group, LLC,
et al.,
Second Third-Party Plaintiffs-
Respondents-Appellants,

-against-

Index No. 590772/09

Tri-State Dismantling Corp.,
Second Third-Party Defendant-
Appellant-Respondent.

[And other actions]
-----x

An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 27, 2012 (mot. seq. nos. 007-010),

And second third-party defendant-appellant-respondent Tri-State Dismantling Corp. (M-1926) and plaintiff-respondent-appellant Robert Chevola (M-1584) having respectively moved and cross moved for an enlargement of time to perfect their respective appeal and cross appeal,

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeals and cross appeals to the October 2013 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2013.

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

-----X
Platinum Partners Value Arbitrage Fund
LP,
Plaintiff-Appellant,

-against-

M-931
Index No. 105508/10

Kroll Associates, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2013 (Appeal No. 8996),

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

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,
Respondent,

M-763
Ind. No. 2886/09

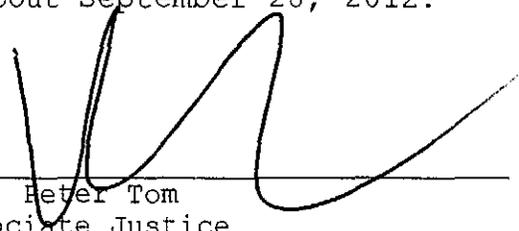
-against-

CERTIFICATE
GRANTING LEAVE

Pedro Tavares
Defendant-Appellant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about September 28, 2012.¹

Dated: April 5, 2013
New York, New York



Hon. Peter Tom
Associate Justice

ENTERED MAY 16 2013

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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,

M-1438
Ind. No. 6221/06

-against-

CERTIFICATE
DENYING LEAVE

David Wesley,

Defendant.
-----X

I, Angela M. Mazzarelli, 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 (Arlene D. Goldberg, J.), entered on or about September 27, 2012, is hereby denied.



Justice

Dated: New York, New York
MAY 16 —, 2013

ENTERED

MAY 16 2013

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-1427
Ind. No. 1482/89

-against-

James S. Neal,

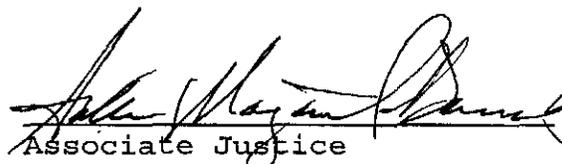
Defendant.

-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, Bronx County, entered on or about September 25, 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 granting defendant leave to file the certificate within 90 days from the date of entry hereof.


Associate Justice

Dated: April 11, 2012
New York, New York

ENTERED: **MAY 16 2013**

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-1546
Ind. No. 16971C/05

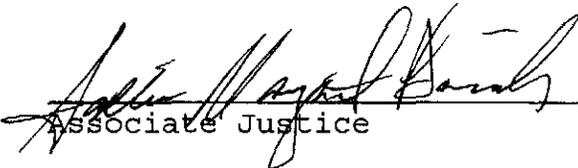
-against-

CERTIFICATE
DENYING LEAVE

Steven Bosa,

Defendant.
-----X

I, Sallie Manzanet-Daniels, 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 2, 2013 is hereby denied.


Associate Justice

Dated: April 11, 2012
New York, New York

ENTERED: **MAY 16 2013**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M-1394
Ind. No. 1412/2007

-against-

CERTIFICATE
DENYING LEAVE

MANUEL PASCUAL,

Defendant.

-----X
I, Helen E. Freedman, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the order of the Supreme Court, Bronx County, entered
on or about January 2, 2013 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: April 8, 2013
New York, New York

ENTERED: **MAY 16 2013**

PM ORDERS

ENTERED ON

MAY 16, 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 May 16, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x
Alexandra Kasmin,

Plaintiff-Appellant,

-against-

M-2178
Index No. 312592/11

Paul Kasmin,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 12, 2013,

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


CLERK