

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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

In the Matter of the Commitment of

Donovan Jermaine R., also known as  
Donovan R., also known as  
Donovan B.,

A Dependent Child Under 14 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -

SCO Family Services, et al.,  
Petitioners-Respondents,

M-6297  
Docket No. B-20941/11

Leatrice B.,  
Respondent-Appellant,

Jamie R.,  
Respondent-Appellant.

- - - - -

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

-----X

Separate appeals having been taken to this Court from the order of the Family Court, New York County, entered on or about October 21, 2013,

And respondent-appellant father, Jamie R., having moved for leave to prosecute his appeal as a poor person, 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 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 therefor<sup>1</sup> **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.** (See M-6499, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 March 13, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr. , Justices.

-----X

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

- - - - -

Diane T.,  
Petitioner-Appellant,

M-608  
Docket Nos. V-16169/12  
V-16170/12

-against-

Lydia Tamelka T.,  
Respondent-Respondent,

Shawn Michael N.,  
Respondent-Respondent,

-and-

Administration for Children's  
Services,  
Respondent.

- - - - -  
Richard L. Herzfeld, Esq.,  
Attorney for the Children  
Mariah N. and Brianna N.

-----X

Jessica Brown, Esq., attorney for the subject children Mariah N. and Brianna N., having moved on the children's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 27, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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

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 March 13, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

Diane T.,  
Petitioner-Appellant,

M-719  
Docket Nos. V-16169/12  
V-16170/12

-against-

Lydia Tamelka T.,  
Respondent-Respondent,

Shawn Michael N.,  
Respondent-Respondent,

-and-

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

Richard L. Herzfeld, Esq.,  
Attorney for the Children  
Mariah N. and Brianna N.  
-----X

Respondent-respondent Shawn Michael N. 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 February 27, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, 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. (See M-608, decided simultaneously herewith.) Sua sponte, the appeal is adjourned to the September 2014 Term.

ENTER:



---

CLERK

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 40<sup>th</sup> Street, 20<sup>th</sup> Floor, New York, NY 10018, Telephone No. (212) 818-9019, 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. (See M-719, decided simultaneously herewith.) Sua sponte, the appeal is adjourned to the September 2014 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

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 March 13, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

Nikole S.,  
Petitioner-Appellant,

M-115  
Docket No. V-24349/12

-against-

Jordan W., Alvin O. and  
Administration for Children's Services,  
Respondents-Respondents.

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 10, 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, Louise Belulovich, Esq., 411 East 57<sup>th</sup> Street, #14C, New York, NY 10022, Telephone No. 212-421-6113, 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 therefor<sup>1</sup> **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

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

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.** (See M-197, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 March 13, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

Nikole S.,  
Petitioner-Appellant,

M-197  
Docket No. V-24349/12

-against-

Jordan W., Alvin O. and  
Administration for Children's Services,  
Respondents-Respondents.

-----X

Respondent-respondent father, Jordan W., 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  
December 10, 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, Richard L. Herzfeld, Esq., 104  
West 40<sup>th</sup> Street, 20<sup>th</sup> Fl., New York, NY 10018, Telephone No. 212-  
818-9019, 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. (See M-115, decided  
simultaneously herewith.)

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 March 13, 2014.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice,  
                 Peter Tom  
                 Angela M. Mazzarelli  
                 David Friedman  
                 John W. Sweeny, Jr.,                      Justices.

-----X  
In the Matter of

Josee Louise L. H.,

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

- - - - -  
Administration for Children's Services,                      M-30  
                 Petitioner-Respondent,                      Docket No. NN-49278/12

DeCarla L.,  
                 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 December 3, 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, 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 therefor<sup>1</sup> **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:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written above a horizontal line.

CLERK

---

<sup>1</sup>Service 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 March 13, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of a Visitation  
Proceeding Under Article 6  
of the Family Court Act.

Rasheeda K.,  
 Petitioner-Appellant-Respondent,  
 -against-

M-92  
 Docket No. V-2718/13

Tawana M. and Taarik K.,  
Respondents-Respondents-Appellants.  
-----X

Petitioner-appellant-respondent having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 25, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal and responding to the appeal from the aforesaid order taken by respondents; (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 therefor<sup>1</sup> **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

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 March 13, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Johnathan W.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-427  
Docket Nos. D-24963/13  
D-00471/13

Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute the appeals from Orders of Depositions of the Family Court, Bronx County, both entered on or about December 18, 2013, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Bruce A. Young, Edq., 181 Hudson Street, Suite 1A, New York, NY 10013, Telephone No. 212-965-0050, as counsel for purposes of prosecuting the appeals;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> **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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect the

---

<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

appeals, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

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 March 13, 2014.

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

-----X

In the Matter of the Arbitration between

DD Manufacturing NV (DDM) and  
Erez Daleyot,  
Petitioners-Respondents,

M-672  
Index No. 158153/12

-against-

Aloni Diamonds, Ltd. and Jacob  
Bronwasser,  
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 21, 2013, and said appeal having been perfected,

And respondents-appellants having moved to deem the appeal enumerated pursuant to Rule 600.4 and to adjourn the appeal to the September 2014 Term,

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

It is ordered that the motion is granted to the extent of deeming the appeal enumerated, adjourning the appeal to the May 2014 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 March 13, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of  
Peter Falotico,

for the Appointment of a Special  
Guardian Person Pursuant to Article 81  
of the Mental Hygiene Law for

M-320  
Index No. 500099/13

Michael F.,  
An Incapacitated Person.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 25, 2013,

And certain interested parties having moved to stay so much of the aforesaid order authorizing the gifting of assets to certain persons,

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 that, pending hearing and determination of the appeal, any funds gifted pursuant to said order and judgment be placed in the escrow account of the guardian's attorney Gyimesi & Wedinger, P.C., 265 Joline Avenue, Staten Island, NY 10307, and on condition that the so called "interested parties" perfect their appeal for the September 2014 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 March 13, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5517  
Ind. No. 9093/93

Bobby Felder, also known as  
Zebadiah Hart,  
Defendant-Appellant.

-----X

Defendant-appellant pro se having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, in the Supreme Court, New York County, with respect to a judgment of said Court rendered on or about February 17, 1994, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against- M-5077  
Docket Nos. 74827C/08  
Luciano Rosario, 53358C/08  
Defendant.

-----X  
A judgment of the Supreme Court, Bronx County, having been rendered on or about January 13, 2009,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, by reason of failure of trial counsel to file a timely notice of appeal pursuant to CPL 460.30,

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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

In the Matter of the Commitment of

Donovan Jermaine R., also known as  
Donovan R., also known as  
Donovan B.,

A Dependent Child Under 14 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -

SCO Family Services, et al.,  
Petitioners-Respondents,

M-6297  
Docket No. B-20941/11

Leatrice B.,  
Respondent-Appellant,

Jamie R.,  
Respondent-Appellant.

- - - - -

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

-----X

Separate appeals having been taken to this Court from the order of the Family Court, New York County, entered on or about October 21, 2013,

And respondent-appellant father, Jamie R., having moved for leave to prosecute his appeal as a poor person, 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 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 therefor<sup>1</sup> **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.** (See M-6499, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

In the Matter of the Commitment of

Donovan Jermaine R., also known as  
Donovan R., also known as  
Donovan B.,

A Dependent Child Under 14 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -

SCO Family Services, et al.,  
Petitioners-Respondents,

M-6499  
Docket No. B-20914/11

Leatrice B.,  
Respondent-Appellant,

Jamie R.,  
Respondent-Appellant.

- - - - -

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

-----X

Separate appeals having been taken to this Court from the order of the Family Court, New York County, entered on or about October 21, 2013,

And respondent-appellant mother, Leatrice B., having moved for leave to prosecute her appeal as a poor person, 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, John R. Eyerman, Esq., 225 Broadway, Suite 1800, New York, NY 10007, Telephone No. 212-921-0069, 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 therefor<sup>1</sup> **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.** (See M-6297, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

- - - - -  
Anibal E.,  
Petitioner-Appellant,

-against-

M-6494  
Docket No. O-27926/12

Altagracia G.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about November 7, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeals; (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 therefor<sup>1</sup> **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

---

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



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 the appeals, 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.** (See M-6498, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

- - - - -  
Anibal E.,  
Petitioner-Appellant,

-against-

M-6498  
Docket No. O-27945/12

Jack G.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about November 7, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeals; (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 therefor<sup>1</sup> **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

---

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

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 the appeals, 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.** (See M-6494, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

In the Matter of

Charles Jahmel M., Jr., also known as  
Charles M., also known as Charles B.;  
Ebony Kianna M., also known as Ebony  
M., also known as Ebony B.; and  
Jahzir Massiah Anthony M.,  
also known as Jahzir M., also known  
as Jahzir B.,

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

- - - - -

Graham-Windham Services to Families  
and Children, et al.,  
Petitioners-Respondents,

M-6301  
Docket Nos.  
B-3966-68/11

Charles E. M., also known as  
Charles M.,  
Respondent-Appellant,

Patricia Ebony B., also known as  
Patricia B.,  
Respondent.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about September 10, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. 212-227-0206, 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 therefor<sup>1</sup> **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

---

<sup>1</sup>Service 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 March 13, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-489  
Ind. No. 1684/07

Ryan Randolph, also known as Ryan  
Keith Randolph,  
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 December 1, 2009, and said appeal having been perfected,

And an order of this Court having been entered on April 9, 2013 (M-592), granting defendant leave to prosecute the appeal as a poor person, and assigning Stanley Neustadter, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on March 13, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

-----X  
Banana Kelly Community Improvement  
Association, Inc., et al.,  
Plaintiffs-Appellants,

-against-

M-216  
Index No. 21695/11

Schur Management Company, Ltd.,  
Defendant-Respondent.  
-----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 April 10, 2013,

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

It is ordered that the motion is granted to the extent  
of enlarging the time to perfect the appeal to the September 2014  
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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x

In the Matter of the Application of  
John Acevedo, as Father and Natural  
Guardian of Amanda Acevedo,  
Individually,  
Petitioner-Appellant,

M-739  
Index No. 260779/13

For an Order and Judgment Pursuant to  
Article 78 of the CPLR,

-against-

Preston High School,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about January 14, 2014, and said appeal having been perfected,

And respondent-appellant having moved for a discretionary preference in hearing and disposition of the aforesaid 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 denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on March 13, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X

Argent Acquisitions LLC,

Plaintiff-Appellant,

**M-639**

-against-

Index No. 650455/13

First Church of Religious Science,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 6, 2013, and said appeal having been perfected,

And plaintiff-appellant having moved to reinstate a certain notice of pendency and to stay certain portions of the aforesaid order of Supreme Court, and for related relief, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied in its entirety.

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 March 13, 2014.

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

-----x

Ursulina Reyes,  
Plaintiff-Respondent,

-against-

Jose R. Sanchez-Pena, M.D., Comprehensive M-5903  
Medical Evaluations, P.C. and Ladislav M-3063  
Habina, M.D., Index No. 23310/00  
Defendants-Appellants,

Jose R. Sanchez-Pena, M.D., P.C.,  
Ladislav Habina, M.D., P.C. and  
Gregory Surgical Services, LLC.,  
Defendants.

-----x

Separate appeals having been taken by Jose R. Sanchez-Pena, M.C. and Comprehensive Medical Evaluations, P.C., and Ladislav Habina, M.D., from the order of the Supreme Court, Bronx County, entered on or about March 6, 2009, and said appeals having been perfected,

And defendants-appellants Jose R. Sanchez-Pena, M.D. and Comprehensive Medical Evaluations, P.C., having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeals (M-5903),

And the motion (M-5903) having been held in abeyance by reason of a certain stay extant in connection with a New York Liquidation Bureau proceeding,

And a motion having been made to restore the aforesaid motion (M-5903) to this Court's calendar,

Now, upon reading and filing the papers with respect to the motions, including the correspondence from the aforesaid New York Liquidation Bureau dated December 17, 2013, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent that the interim stay granted by an order of a Justice of this Court on December 19, 2012 is continued pending hearing and determination of the appeals, the Clerk is directed to calendar the appeals for hearing together during the May 2014 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 March 13, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-5624  
Ind. No. 4247/03

Anthony Brown,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 19, 2006 (Appeal No. 8978), unanimously affirming a judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on November 5, 2004,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

Present - Hon. David Friedman,	Justice Presiding,
Rolando T. Acosta	
Paul G. Feinman	
Judith J. Gische	
Darcel D. Clark,	Justices.

-----X

875 West 181 Owners Corp.,  
Petitioner-Respondent,

-against-

KB Gallery, LLC,  
Respondent,

M-3352  
Index No. 570105/12

Wiggles and Giggles Playhouse, Inc.,  
et al.,  
Respondents-Undertenants.

-----  
875 Riverview Realty LLC,  
Intervenor-Appellant.

-----X

Intervenor 875 Riverview Realty LLC 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 February 21, 2013, and for a stay of enforcement and execution pending hearing and determination of the appeal taken therefrom,

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 interim relief granted by the order of a Justice of this Court dated June 21, 2013, is continued pending hearing and determination of the appeal. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

All concur except Friedman, J., who dissents in a memorandum as follows:

FRIEDMAN, J.P. (dissenting)

I respectfully dissent from the majority's decision to grant the motion by tenant-intervenor-respondent 875 Riverview Realty LLC (RVR) for leave to appeal to this Court from an order of the Appellate Term striking its answer in this summary holdover proceeding and for a stay of eviction pending determination of the appeal. As a matter of prior adjudication, RVR is bound by this Court's decision against its predecessor-in-interest, tenant-respondent KB Gallery, LLC, in an earlier action by KB Gallery against the landlord (petitioner herein), 875 W. 181 Owners Corp. (Owners Corp.). The order in the prior action gave effect to Owners Corp.'s termination of the lease by affirming the denial of KB Gallery's motion for *Yellowstone* relief and vacating an interim stay of the notice of termination (*KB Gallery, LLC v 875 W. 181 Owners Corp.*, 76 AD3d 909 [1st Dept 2010]). Indeed, in affirming the striking of RVR's answer in this action, Appellate Term relied precisely on our decision in *KB Gallery* as conclusively establishing that the lease is no longer in effect. When, after we decided *KB Gallery*, KB Gallery purported to assign the already terminated lease back to RVR (which had originally assigned it to KB Gallery), RVR took only whatever rights KB Gallery had under the lease – which, under this Court's decision, were nothing. As KB Gallery's assignee and successor-in-interest, RVR is bound by the decision we rendered against KB Gallery as a matter of *res judicata*. That a subsequent decision of this Court (*Village Ctr. for Care v Sligo Realty & Serv. Corp.*, 95 AD3d 219 [1st Dept 2012]) may have clarified the law as stated in our *KB Gallery* decision is irrelevant to the *res judicata* effect of *KB Gallery* on the particular lease at issue in that case and this one – that lease was held to have been effectively terminated and cannot be revived.

In granting the motion for leave to appeal, the majority must of necessity believe that there may be some basis upon which to reverse Appellate Term's decision. I do not understand how the majority could see the possibility of a reversal if it took into consideration the well settled principles of the law of prior adjudication that have long guided our jurisprudence. Moreover, I submit that the majority is sending an unfortunate message to the Appellate Term, even if it does so inadvertently, by reversing a decision in which that court gave preclusive effect to this Court's own prior determination in the prior

action that the lease at issue in both this proceeding and the prior proceeding had been effectively terminated before it was assigned to RVR.

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 March 13, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X  
408 East 10<sup>th</sup> Street Tenants' Association,  
Plaintiff-Respondent,

-against-

M-533  
Index No. 108910/10

Charo Nespral, etc.,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 17, 2013 (mot. seq. no. 003),

And defendant-appellant having moved for a stay of the aforesaid order pending hearing and determination of the aforesaid appeal, for leave to prosecute the appeal as a poor person, 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 said motion, including the stipulation of the parties dated January 31, 2014 and due deliberation having been had thereon,

It is ordered that the stay of eviction granted by the order of a Justice of this Court dated January 31, 2014, is continued pending hearing and determination of the appeal, upon the conditions set forth in the aforesaid stipulation of the parties dated January 31, 2014, and poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 March 13, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-6153  
Ind. No. 515/08

Jamar A. Dingle,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 5, 2012 (Appeal No. 6467), unanimously affirming a judgment of the Supreme Court, Bronx County (Dominic Masaro, J.), rendered on July 12, 2010,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Helen E. Freedman  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X

Yan Ping Xu,  
Petitioner-Appellant,

-against-

**M-40**

Index No. 109534/08

The New York City Department of  
Health,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 17, 2013, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect said appeal, 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 granted to the extent of enlarging the time to perfect the appeal to the September 2014 Term. So much of the motion which seeks poor person relief is denied as unnecessary, said relief having been granted by the order of this Court entered on February 18, 2013 (M-6199).

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 March 13, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Siamak Kohanoff,  
Plaintiff-Respondent,

-against-

**M-771**

Ameritrust Mortgage Bankers, Inc., Index No. 653369/11  
et al.,  
Defendants,

Thomas Calbro,  
Defendant-Appellant,

Yorl Movtady,  
Defendant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about January 18, 2013, and said appeal having been perfected,

And defendant-appellant having moved for an order enlarging the time to file a reply 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 directing defendant-appellant to file a reply brief on or before April 4, 2014 for the May 2014 Term, to which Term the appeal is adjourned. The Clerk is directed to calendar the appeal during the last week of the aforesaid May 2014 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 March 13, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----x  
In the Matter of

Maria S.,  
Jessica R.,  
Jennifer R., and  
Anthony R.,

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

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

Ramon R.,  
Respondent-Respondent.

M-766  
Docket Nos.  
NA-10831-34/13

- - - - -  
Kristen Calabrese, Esq., The Legal  
Aid Society, Juvenile Rights Division,  
Attorney for the Child Maria S.,

Janette Cortes-Gomez, Esq.,  
Attorney for the Children  
Jessica R., Jennifer R. and  
Anthony R.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 10, 2014,

And petitioner-appellant Administration for Children's Services having moved for a stay, pending hearing and determination of the appeal, of the order directing, inter alia, disclosure to the aforesaid Supreme Court, Bronx County, for in camera inspection, a certain 2007 Oral Report Transmittal (ORT), and disclosure to respondent of certain investigative reports relating to said 2007 ORT report,

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, and the interim relief granted by the order of a Justice of this Court dated February 13, 2014, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

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

-----X  
In the Matter of the Application of  
Barbara Morris,  
Petitioner-Respondent,

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

M-6490  
Index No. 100845/13

-against-

New York City Department of Health  
and Mental Hygiene,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 15, 2013,

And, petitioner-respondent, pro se, having moved to vacate respondent-appellant's CPLR 5519(a)(1) stay,

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, and the interim relief granted by an order of a Justice of this Court dated December 17, 2013, is hereby vacated, without prejudice to petitioner renewing her motion to vacate said stay subsequent to decisions by this Court in *Rossi v New York City Department of Parks* (Index Nos. 103793/12, 103794/12) and *Diaz v New York City Department of Parks* (Index No. 103795/12), if so advised.

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 March 13, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
Leland G. DeGrasse  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-5797  
Ind. No. 3444/05

Earl Reyes,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 21, 2009 (Appeal No. 618), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on December 14, 2007,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in  
the County of New York on March 13, 2014.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-----  
Lawrence C.,  
Petitioner-Respondent,

-against-

Anthea P.,  
Respondent-Appellant.

-----  
Carol L. Kahn, Esq.,  
Attorney for the Children.

M-4468  
Docket Nos.  
V-12847/48/07  
V-12847-48/07G  
V-12847-48/07I  
V-12847-48/07J

-----X  
Alexander M. Carlin, Esq., court attorney for the subject  
children, having moved on the childrens' behalf for leave to respond,  
as a poor person, to the appeal from the order of the Family Court,  
New York County, entered on or about February 5, 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, 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(s) to  
respond to the appeal upon a reproduced respondents' brief, on  
condition that one copy of such brief be served upon the attorney for  
respondent-appellant and 8 copies thereof are filed with this Court.  
(See M-5779, decided simultaneously herewith.)

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 March 13, 2014.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Lawrence C.,  
Petitioner-Respondent,

-against-

Anthea P.,  
Respondent-Appellant.  
-----X

M-5779  
Docket Nos.  
V-12847/48/07  
V-12847-48/07G  
V-12847-48/07I  
V-12847-48/07J

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about February 5, 2013, for the assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motions, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. 914-949-8214, 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 therefor<sup>1</sup> **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**

---

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

**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.** (See M-4468, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

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 March 13, 2014.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Jessica L. G.,  
Petitioner-Respondent,

-against-

M-3747  
Docket No.  
V-17594-05/13E

Luis F. F.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a Writ of Habeas Corpus of the Family Court, Bronx County, rendered on or about April 11, 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 denied as moot.

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 March 13, 2014.

PRESENT - Hon. David B. Saxe,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark,

Justice Presiding,

Justices.

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

Mahmud G.,  
Petitioner-Appellant,

-against-

M-731  
Docket No. V-2202-05/13E

Christine A. A.,  
Respondent-Respondent.  
-----

Steven Banks, Esq.,  
Attorney for the Child.  
-----X

An appeal having been taken to this Court from the order of  
the Family Court, Bronx County, entered on or about April 26, 2013,  
and said appeal having been perfected,

And respondent-respondent having moved for leave to respond  
to the appeal as a poor person, 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, Steven N. Feinman, Esq., One North Broadway,  
Suite 412 White Plains, NY 10601, Telephone No. (914) 949-8214, 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. Sua sponte, the appeal is adjourned to the September 2014  
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 March 13, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----x  
Aviation Capital Partners, LLC and  
AVACAP CVG, LLC,  
Plaintiffs-Respondents,

-against-

GAZ Realty Inc. and Airport Plaza  
Holdings, LLC,  
Defendants-Appellants.

**Action No. 1**

M-453

Index No. 653193/11

-----x  
GAZ Realty Inc. and Airport Plaza  
Holdings, LLC,  
Counter Claim Plaintiffs-Appellants,

-against-

Aviation Capital Partners, LLC, AVACAP CVG,  
LLC, and Joseph Piscitell,  
Counter Claim Defendants-Respondents.

-----x  
Aviation Capital Partners, LLC,  
Plaintiff-Respondent,

-against

**Action No. 2**

Index No. 650669/12

George Abi Zeid,  
Defendant-Appellant.

-----x  
George Abi Zeid,  
Counter Claim Plaintiff-Appellant,

-against-

Aviation Capital Partners, LLC,  
DAMG, LLC and Joseph Piscitell,  
Counter Claim Defendants-Respondents.  
-----x

Appeals having been taken to this Court by defendants-counterclaim plaintiffs-appellants GAZ Realty Inc. and Airport Plaza Holdings, LLC, and George Abi Zeid from an order of the Supreme Court New York County, entered on or about April 19, 2013 in Action No. 1, and from an order of said Court entered on or about December 31, 2013 in Action No. 2, respectively,

And the aforesaid defendants-counterclaim plaintiffs-appellants having moved to enlarge the time to perfect the appeal in Action No. 1 from the order entered on April 19, 2013, to consolidate that appeal with the appeal from the order entered on December 31, 2013 in Action No. 2, 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 appellants to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before July 7, 2014 for the September 2014 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 March 13, 2014.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland DeGrasse  
Darcel D. Clark, Justices.

-----X  
The Board of Managers of the Onyx  
Chelsea Condominium, etc.,  
Plaintiff-Appellant-Respondent,

-against-

261 West LLC, Evan Haymes, M-529  
Matthew Bronfman, Edward Curty, Index No. 114230/10E  
Kreisler Borg Florman, also known as  
Kreisler Borg Florman General  
Construction Company, Inc.,  
Defendants-Respondents-Appellants,

Saparn Realty, Inc.,  
Defendant-Respondent-Appellant,

John Doe #1 through John Doe #10,  
etc.,  
Defendants.

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

Plaintiff-appellant-respondent having moved for an enlargement  
of time to perfect the appeal and cross appeals taken from the orders  
of the Supreme Court, New York County, entered on or about March 7,  
2012 (mot. seq. nos. 001, 002, 005, 006),

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 and cross appeals to the  
September 2014 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 March 13, 2014.

Present - Hon. David B. Saxe,	Justice Presiding,
Karla Moskowitz	
Leland G. DeGrasse	
Paul G. Feinman	
Darcel D. Clark,	Justices.

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

-against-

M-399  
Case No. 38370C/11

Pedro Sosa,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about July 26, 2012, and said appeal having been perfected,

And an order of a Justice of this Court having been entered on August 9, 2012, granting a stay of execution of sentence pending hearing and determination of the aforesaid appeal,

And an order of this Court having been entered on March 12, 2013 (M-4667/M-5508), inter alia, continuing the stay of execution of sentence on condition the appeal be perfected for the October 2013 Term; and an order of this Court having been entered on September 3, 2013 (M-3854), inter alia, continuing the stay of execution of sentence on condition the appeal is perfected for the January 2014 Term,

And defendant-appellant having moved for an order reinstating and continuing the stay of execution of sentence granted by the order of a Justice of this Court on August 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 reinstating and continuing the stay of execution of sentence granted by the order of a Justice of this Court on August 9, 2012, upon the same terms and conditions, pending hearing and determination of the appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

Present - Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----x  
Walnut Housing Associates 2003 L.P.,  
et al.,

Plaintiffs-Respondents,

-against-

M-574  
Index No. 653945/13

MCAP Walnut Housing LLC, et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 16, 2014,

And defendants-appellants having moved for an order, inter alia, "modifying" the aforesaid order appealed, 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, and the interim relief granted by order of a Justice of this Court on February 3, 2014, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 13, 2014.

Present - Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

The People of the State of New York  
ex rel. Brian D. Waller, Esq.,  
on behalf of Alice Belmonte,  
Petitioner,

M-513  
Ind. No. 4261/13

-against-

Doris B. Schriro, Commissioner,  
New York City Department of  
Corrections,  
Respondent.

-----X

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

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 aforesaid writ 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, to the extent it seeks other relief concerning bail, is denied, without prejudice to further proceedings in Supreme 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 March 13, 2014.

Present: Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

**SEALED**  
**M-3399**

Index No. 2147/08

Kenworth S.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Supreme Court, Bronx County, entered on or about March 18, 2013, and for leave to have said purported 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 granted to the extent of permitting the purported appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, Bronx County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

David Bertan, Esq., 888 Grand Concourse, Suite 1N, Bronx, NY 10451, Telephone No. (914) 841-3000, is assigned as counsel for defendant-appellant for purposes of determining the viability of said purported appeal, and prosecuting same on pursuing other relief, if so advised.

ENTER:



CLERK

SUPREME COURT OF THE 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,  
Appellant,

M-871  
Ind. No. 5845/10

-against-

Patrick Thomas,  
Defendant-Respondent.  
-----X

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

I, David B. Saxe, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein<sup>1</sup> questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is ORDERED, that permission be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: New York, New York  
February 27, 2014

  
Justice of the Appellate Division

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

**ENTERED**

**MAR 13 2014**

<sup>1</sup>Description of Order:

6/22/2011 Sup. Ct. New York Co.

Rev'd. 1/16/2014  
App. Div. 1st Dept.  
Appeal No. 10828

SUPREME COURT OF THE 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,  
Appellant,

M-872  
Ind. No. 5845/10

-against-


William Brown,  
Defendant-Respondent.  
-----X

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

I, David B. Saxe, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein<sup>1</sup> questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED, that permission be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: New York, New York  
February 27, 2014

  
Justice of the Appellate Division

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

**ENTERED**

**MAR 13 2014**

<sup>1</sup>Description of Order:

6/22/2011 Sup. Ct. New York Co.

Rev'd. 1/16/2014  
App. Div. 1st Dept.  
Appeal No. 9584

P.M ORDERS  
FOR MARCH  
13, 2014

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 March 13, 2014.

Present:	Hon. Peter Tom,	Justice Presiding,
	David Friedman	
	John W. Sweeny, Jr.	
	David B. Saxe	
	Helen E. Freedman,	Justices

-----X  
21<sup>st</sup> Century Diamond, LLC,  
Plaintiff,

-against-

Allfield Trading, LLC, et al.,  
Defendants.

**M-818**  
Index No. 650331/09

-----X  
Allfield Trading, LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Exelco North America, Inc., et al.,  
Third-Party Defendants,

-and-

WxcelcoNV, doing business as North  
America, Inc., et al.,  
Third-Party Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 24, 2013, and said appeal having been perfected,

And Peter B. Schalk, Esq., appellate counsel for defendants/third-party plaintiffs-respondents having moved for this Court to take judicial notice of Exhibits G, I, L and M to the affirmation of said counsel attached to the moving papers,

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 appeal to the June 2014 Term, with defendants/third-party plaintiffs-respondents directed to file their respondents' brief on or before April 16, 2014, and third-party defendants-appellants directed to serve and file their reply brief on or before April 25, 2014 for said June 2014 Term. So much of the motion seeking for this Court to take judicial notice of the aforesaid material is denied.

**CORRECTED ORDER - April 23, 2014**

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 March 13, 2014.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Peter Tom	
David B. Saxe	
Sallie Manzanet-Daniels	
Judith J. Gische,	Justices.

-----x  
In the Matter of Jonathan N. Thalasinis,  
an attorney and counselor-at-law:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-4279  
M-4845

Jonathan N. Thalasinis,  
(OCA Atty. Reg. No. 2215614),  
Respondent.

-----x  
The Departmental Disciplinary Committee for the First Judicial Department, by Jorge Dopico, its Chief Counsel (Vitaly Lipkansky, of counsel), having submitted a petition and memorandum of law to this Court on October 1, 2013, for an order pursuant to Judiciary Law § 90(2), 22 NYCRR 603.4(d) and 605.15(e)(1), confirming so much of the determination of the Hearing Panel which confirmed the findings of fact and conclusions of law of the report and recommendation of the Referee that respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on February 25, 1987) had engaged in conduct in violation of the Lawyers' Code of Professional Responsibility and the Rules of Professional Misconduct in that he aided a suspended attorney in the unauthorized practice of law (DR 3-101[a]; RPC 5.5[a]); had engaged in conduct involving dishonesty, fraud, deceit or misrepresentation by making intentional misrepresentations to the Committee (RPC 8.4[c]); had engaged in conduct prejudicial to the administration of justice (RPC 8.4[d]); and had engaged in conduct adversely reflecting on his fitness as a lawyer (DR 1-102[a][7]; RPC 8.4[h]); and requesting that this Court impose whatever sanction it deems just and proper in the circumstances,

CORRECTED ORDER - April 23, 2014

(M-4279/M-4845)

-2-

March 13, 2014

And respondent, by his attorneys O'Connell and Aronowitz (Richard S. Harrow, of counsel), having cross-moved for an order confirming the Hearing Panel's findings of fact and conclusions of law, disaffirming the Hearing Panel's sanction recommendation to the extent that "the consideration of neglect [was used] in its recommendation", and instead imposing upon respondent a lesser sanction of a one to one and one half years suspension,

And the Committee having submitted an affirmation in reply to the cross motion,

Now, upon reading and filing the papers with respect to the petition and cross motion, and due deliberation having been had thereon, and upon the Opinion Per Curiam filed herein, it is unanimously,

Ordered that the motion is granted to the extent of confirming the findings of fact and conclusions of law of the Hearing Panel, disaffirming same with respect to the recommended sanction of 2½ year suspension, and instead suspending respondent from the practice of law in the State of New York for a period of one year, effective 30 days from the date hereof, **and until further order of this Court**, and it is further,

Ordered that the cross motion is granted to the extent it seeks confirmation of the Hearing Panel's findings of fact and conclusions of law, and otherwise denied, and it is further,

Ordered that effective April 14, 2014, respondent is commanded to desist and refrain from the practice of law in any form, either as principal or agent, clerk or employee of another; that respondent is forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority; that respondent is forbidden to give to another an opinion as to the law or its application or any advice in relation thereto. Respondent is directed to fully comply with the provisions of Title 22, Section 603.13, of the Rules of this Court, a copy of which is annexed hereto and made a part hereof.

ENTER:

  
CLERK