

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 3, 2015.

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

-----X  
Janissia Sloan,  
Plaintiff-Respondent,

-against-

M-550X  
Index No. 306547/12

Luis Pichardo and Silo Cruz,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 25, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 4, 2015, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 3, 2015.

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

-----X  
Juan Bueno,  
Plaintiff-Respondent,

-against-

M-551X  
Index No. 150247/13

Ann C. Gillette, et al.,  
Defendants,

Andrew W. Beizer and Michael K. Beizer,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 15, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 5, 2015, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 3, 2015.

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

-----X

American Real Estate Holdings Limited  
Partnership,  
Plaintiff-Respondent/Appellant,

-against-

M-532  
M-547X  
Index No. 111759/06

Citibank, N.A.,  
Defendant-Appellant/Respondent.

-----X

Separate appeals having been taken from the orders of the Supreme Court, New York County, entered on or about April 24, 2014 (mot. seq. no. 007), January 24, 2012 and May 6, 2014, respectively,

And defendant-appellant-respondent Citibank, N.A. having moved for an enlargement of time to perfect the respective appeals (M-532),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 4, 2015, and the correspondence from Borah, Goldstein, Altshuler, Hahins & Goidel, P.C. (Paul N. Gruber, of counsel) dated February 5, 2015, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation (M-547X). The motion, to the extent it seeks an enlargement of time to perfect the appeals, is withdrawn on accordance with the aforesaid correspondence (M-532).

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 3, 2015.

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

-----X  
Jon Seppanen,  
Plaintiff-Respondent,

-against-

M-5846  
Index No. 116260/07

The City of New York,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 20, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated November 14, 2014, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2014 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 March 3, 2015.

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

-----X  
Fernando Bermudez,  
Claimant-Respondent,

-against-

M-83  
Claim No. 118556

The State of New York,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Court of Claims, entered on or about June 20, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 7, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2015 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 March 3, 2015.

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

-----X  
Mohan Bhagwandas Murjani,  
Plaintiff-Respondent,

-against-

M-1  
Index No. 350028/12

Guni Mohan Murjani,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2014,

And an order of this Court having been entered on December 2, 2014 (Appeal No. 13627), unanimously affirming the aforesaid order,

And defendant-appellant having moved for an order granting reargument or in the alternative, granting leave to appeal to the Court of Appeals, and other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated February 9, 2015, and due deliberation having been had thereon,

It is ordered that the motion 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 March 3, 2015.

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

-----X  
GCS Software, LLC,  
Plaintiff-Respondent,

-against-

M-5667  
Index No. 111614/11

Spira Footwear, Inc.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 20, 2013,

And plaintiff-respondent having moved for an order dismissing the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated November 17, 2014, and due deliberation having been had thereon,

It is ordered that the motion 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 March 3, 2015.

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

-----X  
In the Matter of

Edubilio Andre R.  
and Melanay R.,

**M-4323**

Docket Nos. B-17945/11  
B-17946/11

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

-----  
Cardinal McCloskey Community Services,  
et al.,

Petitioners-Respondents,

Andre R.,  
Respondent-Appellant.

-----  
Daniel R. Katz, Esq.,  
Attorney for the Children.

-----X  
Francis P. Ferraro, Esq., assigned Family Court counsel for the children, having moved on behalf of the aforesaid children for leave to respond, as poor persons, to the appeal from the orders of the Family Court, Bronx County, entered on or about February 5, 2014, March 24, 2014 and May 16, 2014, 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, 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 respondent-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 March 3, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application for  
the Guardianship and Commitment of

Raymond C. M.,

A Child Under 17 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -  
Commissioner of Social Services  
of the City of New York,  
Petitioner-Respondent,

M-121  
Docket No. B-27351/12

Marilyn M.,  
Respondent-Appellant.

- - - - -  
Karen Freedman, Esq., Lawyers for  
Children, Inc.,  
Attorney for the Child.

-----X  
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about March 4, 2014,

And the Karen Freedman, Esq., attorney for the subject child, having moved on the child's behalf for dismissal of the aforesaid appeal,

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 denied, with leave to renew upon service of the moving papers upon respondent's assigned appellate counsel. (See M-1959, 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 3, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application for  
the Guardianship and Commitment of

Raymond C. M.,

A Child Under 17 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York.

-----  
Commissioner of Social Services,  
of the City of New York,  
Petitioner-Respondent,

M-1959  
Docket No. B-27351/12

Marilyn M.,  
Respondent-Appellant.

-----  
Karen Freedman, Esq., Lawyers for  
Children, Inc.,  
Attorney for the Child.

-----X  
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about March 4, 2014,

And respondent-appellant having moved for leave to prosecute the aforesaid 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 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, 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-121, 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 3, 2015.

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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

-----  
Erica R.,  
Petitioner-Respondent,

**M-5012**

Docket No. O-50017/13

-against-

LaQueena S.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved 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 August 15, 2014, 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, Aleza Ross, Esq., 31 Oak Street, Suite 26, Patchogue, NY 11772, Telephone No. (631) 361-6900, 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-5122, 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 3, 2015.

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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Erica R., Docket No. O-50017/13  
Petitioner-Respondent,

-against-

LaQueena S., also known as  
LaQueenia S.,  
Respondent-Appellant.

- - - - -  
Carol Kahn, Esq.,  
Attorney for the Child.  
-----X

Garline Octobre, Esq., Family Court attorney for the child, Noel P., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about August 15, 2014, 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 respondent-appellant and 8 copies thereof are filed with this Court. (See M-5012, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 3, 2015.

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 Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

-----  
Nicole R. S., Petitioner-Appellant, **M-6000**  
Docket No. O-32951/11

-against-

Troy Kenneth Brian L.,  
Respondent-Respondent.

-----  
Kenneth M. Tuccillo, Esq.,  
Attorney for the Child.

-----X

D. Morgan Burkett, Esq., Family Court attorney for the child, Shirley S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 16, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue #576, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal on said child's behalf; (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 March 3, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Richard T. Andrias  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Constantine Spathis,  
Plaintiff-Respondent,

-against-

M-6136  
Index No. 302534/08

Alina Dulimof Spathis,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from a post-judgment order of the Supreme Court, New York County, entered on or about June 23, 2014, for leave to have the appeal heard upon 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 appeal to be heard upon 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.

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 3, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Mary P.,

Petitioner-Respondent,

-against-

Joseph T.P.,

Respondent-Appellant.  
-----X

M-381  
Docket No.  
F-30469-13/13A

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about March 10, 2014,

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 2015 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 3, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Rolando T. Acosta  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Marco Battistella,  
Plaintiff-Appellant,

-against-

M-400  
Index No. 310389/10

Marnie Ann Joyce,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 19, 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 2015 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 March 3, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X

In re Yan Ping Xu,  
Petitioner-Appellant,

-against-

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

M-5920  
M-259  
Index No. 109534/08

-----X

Respondent-respondent having moved for reargument of the decision and order of this Court entered on October 23, 2014 (Appeal No. 13313) [M-5920],

And petitioner-appellant pro se having cross-moved for the same relief (M-259),

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

It is ordered that the motion and cross motion are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
Edward A. Amley, Jr.,  
Plaintiff-Respondent,

-against-

M-296  
Index No. 307907/13

Xixi Yin Amley,  
Defendant-Appellant.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about October 20, 2014, October 24, 2014 and December 1, 2014, respectively,

A defendant-appellant having moved for reconsideration of this Court's order entered on January 15, 2015 (M-6088), which denied leave to defendant-appellant to prosecute said appeal as a poor person, a stay of the orders, 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 motion is denied, and the Clerk of this Court is directed to not accept any further motions from the defendant-appellant pro se with respect to this matter without prior leave of 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 March 3, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Joshua Hobson,  
Plaintiff-Respondent,

-against-

M-277  
Index No. 108955/11

The Halcyon Construction Corp., et  
al.,  
Defendants.

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

-against-

Third-Party  
Index No. 590309/12

Hallen Construction Co.,  
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for a stay of all proceedings, including trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 30, 2014, said appeals 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.

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 3, 2015.

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

-----X  
Evelyn Rivera, as Administratrix of  
the Estate of Wilbur Rodriguez,  
Deceased,  
Plaintiff-Appellant-Respondent,

-against-

M-61  
Index No. 307017/09

Montefiore Medical Center,  
Defendant-Respondent-Appellant.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2014 (Appeal No. 11929),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:

  
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 3, 2015.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Richard T. Andrias  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

Damon Flagg,  
Defendant-Appellant.

M-6346  
Index Nos. 4892N/11  
4689N/10  
5588N/10

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2012,

And an order of this Court having been entered on August 13, 2013 (M-2545) granting defendant-appellant leave to prosecute said appeal as a poor person, and related relief,

And defendant-appellant having renewed his motion for leave to file a pro se supplemental brief, or in the alternative, for an order striking the designation of assigned counsel and assigning other 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 granted to the extent of striking the designation of Seymour W. James, Jr., Esq., as assigned appellate counsel and assigning new counsel as provided in the order of this Court by M-263, decided simultaneously herewith, and otherwise denied. (See M-263, 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 3, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

Damon Flagg,  
Defendant-Appellant.

M-263  
Index Nos. 4892N/11  
4689N/10  
5588N/10

-----X

An order of this Court having been entered on August 13, 2013 (M-2545), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2012, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal,

And defendant-appellant pro se having moved for an order relieving assigned counsel and substituting other counsel to prosecute the appeal, and for the assignment of counsel for purposes of making a CPL 440 motion and to be provided with minutes of the proceedings for use in filing a proposed CPL 440 motion,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later, and it is further,

Ordered that the motion, to the extent it seeks certain records with respect to filing a CPL 440 motion, is denied, without prejudice to defendant seeking such records on the lower court or from newly assigned counsel. (See M-6346, 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 3, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-5689  
Ind. No. 5110/13

Kaliek J. Williams,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, County, rendered on or about May 20, 2014, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

-against-

M-5183  
Ind. No. 4154N/13

Koran Wilkins,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 6, 2014, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and 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) one transcript 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.

Seymour W. James, Jr., 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 March 3, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

The People of the State of New York  
ex rel. Johnny Mason,  
Petitioner-Appellant,

**M-4848**

Index No. 400931/14  
SCID #30169/14

-against-

Antonio Cuin, Jr., Warden, Manhattan  
Detention Complex,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about August 12, 2014, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that said motion is granted and it is directed that the appeal 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 General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. So much of the motion which seeks the assignment of counsel 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 3, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Kenneth Windley,  
Petitioner-Appellant,

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

-against-

M-5650  
Index No. 400129/14

Jonathan David, etc.,  
Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 14, 2014, 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 said motion, and due deliberation having been had thereon,

It is ordered that said 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 3, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

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

Respondent,

-against-

M-289  
Ind. No. 4389/09

Raymond Medina,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2011, and said appeal having been perfected,

And respondent having moved for an order enlarging the record on appeal to include the "State of Florida's accusatory instrument against defendant dated March 29, 2000" (Exhibit 1 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, and the respondent is directed for forthwith file 9 copies of the aforesaid "Exhibit 1." The appeal is adjourned to the May 2015 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 3, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Jennifer Cangro,  
Plaintiff-Appellant,

-against-

M-5829  
Index No. 100005/13

Mary V. Rosado,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 24, 2014,

And plaintiff-appellant pro se having moved for an order directing the Supreme Court to comply with a certain subpoena to transfer files to this Court,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Ambac Assurance Corporation, et al.,  
Plaintiffs-Respondents,

-against-

M-6309

Index No. 651612/10

Countrywide Home Loans, Inc., et al.,  
Defendants,

Bank of America Corp.,  
Defendant-Appellant.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2014 (Appeal No. 12611N),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:

  
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 3, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York  
ex rel. Gene Benito,  
Petitioner-Appellant,

**M-5220**

Index No. 400432/14

-against-

Antonio Cuin, Warden, M.D.C.,  
Respondent-Respondent.

-----X

An order of this Court having been entered on August 14, 2014 (M-3185), granting petitioner-appellant limited poor person relief in connection with the appeal from the judgment of the Supreme Court, New York County, entered on or about April 21, 2014,

And petitioner-appellant having renewed so much of his motion as sought assignment of appellate counsel,

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

It is ordered that said motion is denied, and the previously granted poor person relief is continued.

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 3, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Devar Hurd,  
Petitioner-Appellant,

**M-5651**  
Index No. 400919/14

-against-

Warden, G.R.V.C., Rikers Island,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about August 7, 2014, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that said motion is granted and it is directed that the appeal be heard on the original record and upon a reproduced appellant's brief, on condition that petitioner-appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. So much of the motion which seeks the assignment of counsel 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 3, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5658  
Ind. No. 1025/12

Luis Sosa,

Defendant-Appellant.  
-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 22, 2013, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Barbara R. Kapnick, Justices.

-----X  
Cheryl White-Grier,  
Petitioner-Appellant,

-against-

M-165  
Index No. 100369/13

United Federation of Teachers, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 19, 2014,

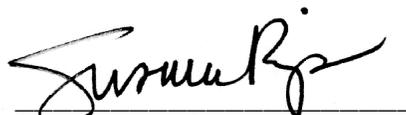
And an order of this Court having been entered August 14, 2014 (M-1774), denying petitioner leave to prosecute said appeal as a poor person, and related relief,

And petitioner-appellant having renewed her motion to prosecute the appeal as a poor person,

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; sua sponte, the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, 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.  
-----

Alexander Carlin, Esq.,  
Attorney for the Children.  
-----X

**M-5020**  
Docket Nos.  
V-12847-48-07/13O  
V-12847-48/07/13Q  
V-12847-48/07/13R  
V-12847-48/07/13S  
V-12847-48/07/13T  
V-12847-48/07/13U

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 25, 2014, 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, Julian A. Hertz, Esq., 510A Heritage Hills, Somers, NY 10589, Telephone No. (914) 617-9869, 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 (FCS 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 the 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 3, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X  
In the Matter of a Proceeding Under  
Article 4 of the Family Court Act.  
-----

Lynette B.,  
Petitioner-Respondent,

**M-4719**  
Docket No. F-15915/08

-against-

Matthew E.,  
Respondent-Appellant.

-----X

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 July 3, 2014, and for assignment of counsel, a free copy of the transcript, 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 motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that respondent-appellant has no funds or assets with which to prosecute appeal, and a copy respondent's 2012 and 2013 tax returns.

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 3, 2015.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Boris Teichman,  
Plaintiff-Appellant,

-against-

M-6197  
Index No. 570218/14

John Arnow,  
Defendant-Respondent.

-----X

Plaintiff-appellant pro se having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about June 11, 2014, and for leave to prosecute said appeal as a poor person,

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 3, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X

Petition to Unseal the Record  
of Adoption of

Surrogate's Court  
M-5569  
Docket No. 3225/13

Robert, Adoptee

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order of the Surrogate's Court, New York County, entered on or about January 10, 2014,

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 2015 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 3, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

-against-

**M-4748**

Ind. No. 2295/12

Fabian Faulkner,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 4, 2013, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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 moving papers a timely filed notice of appeal, and 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

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

-against-

**M-5323**

Ind. No. 3662/10

Angel Gurity,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 29, 2014, 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 papers that include a notarized affidavit of defendant, with translation (if any) properly certified, and proof that moving counsel maintains an office for the transaction of business within New York State (Judiciary Law §470).

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 3, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

**M-5028**

Ind. No. 177/13

Tyler Rowe,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 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 deeming the notice of appeal timely filed.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

**M-5029**

Ind. No. 3452N/13

Chikodi Umeghalu,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 22, 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 deeming the notice of appeal timely filed.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

Angel Velez,

M-5036  
Ind. No. 2668/13

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 21, 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 deeming the notice of appeal timely filed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

**M-5038**

Ind. No. 2651/13

Marie Boisrond,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 14, 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 deeming the notice of appeal timely filed.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Deutsche Bank National Trust Company,  
as Trustee for FFMLT 2006-FF13,  
Plaintiff-Appellant,

-against-

M-322  
Index No. 380910/11

Samuel Lopez,  
Defendant-Respondent,

Ana Lopez, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 15, 2014 (mot. seq. no. 013),

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 2015 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 3, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Charles M. Moche and Ezra S. Moche,  
Plaintiffs-Appellants,

-against-

M-359  
Index No. 157764/12

Deborah R. Srour, Esq., et al.,  
Defendants-Respondents.

-----X

Plaintiffs-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 April 15, 2014,

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 2015 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 3, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Bonjour Charlotte LLC,  
Plaintiff-Appellant-Respondent,

-against-

555 Blake LLC, et al.,  
Defendants,

M-191  
Index No. 651641/10

-and-

JS Charlotte LLC, et al.,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 2, 2013 (mot. seq. no. 005),

And plaintiff-appellant having moved for an enlargement of time to perfect the direct 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 and cross appeal to the September 2015 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 3, 2015.

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

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

-against-

M-5405  
Ind. No. 865/13

Angel Hernandez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 24, 2014 (M-1016), inter alia, granting defendant's motion 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, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of resentence of said Court rendered March 19, 2014,

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

It is ordered that said motion is granted to the extent of amending defendant's aforementioned order to include the judgment of resentence of said Court rendered March 19, 2014, and extending the poor person relief previously granted to cover same.

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 3, 2015.

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

-----X  
The People of the State of New York  
ex rel. Jonathan Norling, on behalf  
of Jose Mota,  
Petitioner,

-against-

M-5530

Joseph A. Ponte, etc.,  
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 March 3, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-318  
Ind. No. 1091/07

Maria Rodriguez,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 12, 2012,

And defendant-appellant having moved for an order enlarging the record on appeal to include grand jury minutes,

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 3, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

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

Respondent,

-against-

M-5127  
Ind. No. 1015/09

Sahim Lucas,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about May 14, 2012,

And defendant-appellant pro se having moved for an order enlarging the record on appeal to include minutes of certified "court appearances" and "defense exhibits" with respect to a prospective CPL 440 motion,

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 3, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x

Joan Banach,  
Plaintiff-Respondent-Appellant,

-against-

M-275  
Index No. 600918/09

The Dedalus Foundation, Inc.,  
Defendant-Appellant-Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 28, 2014 (mot. seq. no. 021), and said appeal and cross appeal having been perfected,

And plaintiff-respondent-appellant having moved for leave to file a supplemental record on appeal to include a certain affidavit and a photocopy of a "disk" of additional documents,

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. (See M-544, 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 3, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----x

Joan Banach,  
Plaintiff-Respondent-Appellant,

-against-

M-544  
Index No. 600918/09

The Dedalus Foundation, Inc.,  
Defendant-Appellant-Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 28, 2014 (mot. seq. no. 021), and said appeal and cross appeal having been perfected,

And defendant-appellant-respondent having moved for leave to file a supplemental record on appeal to include a certain affirmation in opposition to plaintiff's motion to compel certain discovery,

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. (See M-275, 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 3, 2015.

Present - Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Henry Huggins,

Defendant-Appellant.

M-5092  
M-5126  
Ind. No. 5872/11

-----X

An order of this Court having been entered on September 11, 2014 (M-3503), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 30, 2014, and assigning Steven Banks, Esq., as counsel to prosecute the appeal, and a motion having been made to relieve such counsel, and for related relief (M-5092),

And defendant-appellant, by separate motion, having moved to hold the direct appeal in abeyance to allow defendant time to file a motion pursuant to CPL 440 in Supreme Court, New York County (M-5126),

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 (M-5092) is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later, and it is further,

Ordered that the motion (M-5126) to hold the appeal in abeyance 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 3, 2015.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

Esmerlin Meran,  
Defendant-Appellant.

M-5531  
Ind. Nos. 2156/11  
5730/10

-----x

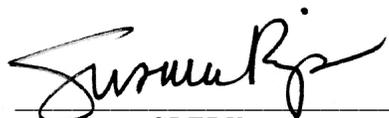
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2012,

And defendant-appellant having moved for an order unsealing and enlarging the record on appeal to include a certain search warrant application currently under protective order, for vacatur of said protective order and providing said search warrant to appellate counsel for *in camera* review,

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

It is ordered the motion is granted only to the extent of directing respondent to file with this Court, under seal, the subject search warrant application for *in camera* review by this Court, if available. 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 March 3, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
Direct Access Partners, LLC,  
Petitioner-Appellant,

-against-

Cedar Cove Capital, LLC,  
Respondent-Respondent.

M-85  
Index No. 651853/14

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 20, 2014,

And petitioner-appellant having moved for a stay of the aforesaid order, 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, without prejudice to petitioner seeking a statutory stay upon providing an undertaking (CPLR § 5519), and the interim relief granted by an order of a Justice of this Court dated January 7, 2015, is hereby vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Leland G. DeGrasse  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Gerard Corsini,  
Plaintiff-Appellant-Respondent,

-against-

M-130  
Index No. 152066/12

Elizabeth Morgan, etc., et al.,  
Defendants-Respondents-Appellants,

Officers Buttacavole, et al.,  
Defendants.

-----X

Plaintiff-appellant-respondent pro se 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 December 11, 2014 (Appeal No. 13780),

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 3, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Matthew Williams,

Petitioner,

-against-

M-59

Warden, R.N.D.C.,

Respondent.  
-----X

The above-named petitioner having moved for a successive writ of habeas corpus to be issued from this Court, and related relief,

And an order of this Court having been entered on November 6, 2014 (M-4294), inter alia, granting petitioner's application for a writ of habeas corpus to the extent of transferring the mater to Supreme Court, New York County,

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 denied, as a successive writ (CPLR § 7003[b]).

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 3, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

**M-4955**

Ind. No. 6534/10

Eduar Bueno,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2011,

And Richard M. Greenberg, Esq., assigned counsel for defendant on the aforesaid appeal, having moved to be relieved as said counsel or, in the alternative, for dismissal of the appeal, without prejudice,

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn, and 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 March 3, 2015.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----x  
Hugo Suarez,

Plaintiff-Respondent-Appellant,

-against-

Mark A. Greenberg, M.D., et al.,  
Defendants-Appellants-Respondents.

-----x

M-6037  
M-6264  
Index No. 305402/08

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 1, 2013,

And defendants-appellants-respondents having moved for an enlargement of time to perfect the direct appeal (M-6037),

And plaintiff-respondent-appellant having cross-moved to dismiss the direct appeal and for an enlargement of time to perfect their cross appeal (M-6264),

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 for an enlargement of time to perfect the direct appeal is denied (M-6037). The cross motion is granted to the extent dismissing the direct appeal (M-6264). Sua sponte, the cross appeal is dismissed.

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-5231  
Ind. No. 982/06

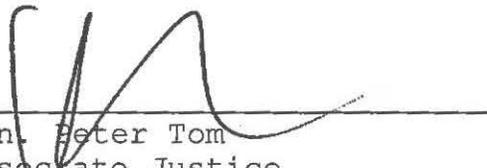
-against-

Norman McCorkle,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 23, 2014 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: February 10, 2014  
New York, New York

**ENTERED**

**MAR 03 2015**

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-5293  
Ind. No. 2559/06

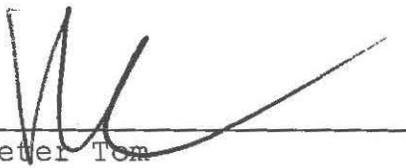
-against-

Ronald Pilgrim, Jr. a/k/a Ronald Pilgrim,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about August 8, 2014 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: February 10, 2014  
New York, New York

**ENTERED** MAR 03 2014

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-6402  
Ind. No. 6159/96

-against-

CERTIFICATE  
DENYING LEAVE

Roberto Rosario,  
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 31, 2014, is hereby denied.

Dated: New York, New York  
February 18, 2015



**ENTERED**

**MAR 03 2015**

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

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-6695  
Ind. No. 1793/07

-against-

CERTIFICATE  
DENYING LEAVE

Joseph Sanchez,  
Defendant.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 3, 2013, is hereby denied.

Dated: New York, New York  
July 8, 2014



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

ENTERED

MAR 03 2015

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-6396  
Ind. No. 1198/87

-against-

CERTIFICATE  
DENYING LEAVE

Charles Sanders,

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 October 26, 2014, is hereby denied.

  
Associate Justice

Dated: February 17, 2015  
New York, New York

ENTERED: MAR 03 2015

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

-----X

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

M- 169  
Ind. No. 6306/10

ORDER GRANTING REARGUMENT  
AND GRANTING LEAVE

Camacho Olivero.

Defendant-appellant

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, having certified that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, upon application made by the People for reconsideration of the order, entered on December 4, 2014, which granted defendant's motion for a certificate pursuant to Criminal Procedure Law, section 460.15, permission to reconsider the grant of leave to appeal from the order of the Supreme Court, New York County (Daniel P. Fitzgerald, J.), entered on or about September 17, 2014. (M - 5296) is hereby granted on consent and upon reconsideration, 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, New York County (Daniel P. Fitzgerald, J.), entered on or about September 17, 2014.<sup>1</sup>

\_\_\_\_\_  
Justice of the Appellate Division

Dated: February 5, 2015  
New York, New York

ENTERED:

\_\_\_\_\_  
<sup>1</sup>Defendant-appellant is granted an additional 15 days from the date of entry hereof to file a notice of appeal and a copy of this certificate and the original certificate entered December 4, 2014 with the Clerk's Office of the Criminal Court where the order sought to be appealed was rendered.

P.M ORDERS  
FOR MARCH  
03, 2015

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 3, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
PK Restaurant, LLC, doing business as  
212 Restaurant and Bar,  
Plaintiff-Appellant-Respondent,

**M-407**  
Index No. 654177/13

-against-

Ira Lifshutz and 115 East 37 Realty  
LLC,  
Defendants-Respondents-Appellants,

133 East 65<sup>th</sup> Street Associates, LLC,  
et al.,  
Defendants.

-----X  
(and another action)

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 20, 2014,

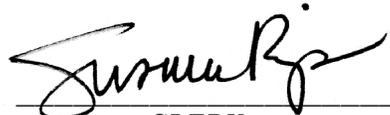
And defendants-respondents-appellants having moved for dismissal of plaintiff-appellant-respondent's appeal, or for an order directing said plaintiff-appellant-respondent to perfect their appeal for the next term of this Court, and granting movants leave to perfect as the primary appellants if plaintiff-appellant-respondent does not so perfect, and for Rule 130-1.1 sanctions,

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 dismissing plaintiff-appellant-respondent's appeal unless it is perfected on or before March 23, 2015 for the June 2015 Term;

and granting movants, defendants-respondents-appellants, leave to perfect as the direct appellants if plaintiff-appellant-respondent does not so perfect. So much of the motion as seeks sanctions 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 3, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Richard T. Andrias  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Oppenheimer & Co., Inc.,  
Plaintiff-Appellant,

**M-6266**  
Index No. 651213/14

-against-

Louis Pitch and Donna Pitch,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 25, 2014,

And plaintiff having moved for relief in the nature of a preliminary appellate injunction enjoining defendants from proceeding in a FINRA arbitration pending hearing and determination of the appeal,

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

Ordered that the motion is granted, and the interim relief granted by an order of a Justice of this Court dated December 22, 2014, is continued on condition plaintiff perfects the appeal on or before March 23, 2015 for the June 2015 Term with the following special dates for filings: appellant's brief to be served and filed on or before March 30, 2015; respondents' brief to be served and filed on or before April 29, 2015; and appellant's reply brief to be served and filed on or before May 8, 2015.

ENTER:

  
\_\_\_\_\_  
CLERK