

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

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

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

-against-

M-2032
Ind. No. 5461/12

Emmitt Hunter,
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 June 2, 2015, 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 8 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 June 14, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
In the Matter of

Nayomi M.,
Justin V.,
Alejandro A.,
Susan R.,
and Brianna V.,

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-Respondent,

M-1996
M-2169
Docket Nos.
NA-26263-67/13

Paul R.,
Respondent-Appellant,

Christine Marie A.,
Respondent.

- - - - -
Seymour W. James, Esq.,
Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children-
Appellants.

-----x

Appellate-children Alejandro A. and Susan R. having moved, by assigned counsel Seymour W. James, Jr., Esq. (Judith Stern, of counsel), for an enlargement of time to perfect their appeal from an order of the Family Court, Bronx County, entered on or about June 24, 2015, and to place the appeal on the same calendar day as the appeal taken by Respondent Paul R. (M-1996),

And respondent-appellant father Paul R. having separately moved for an enlargement of time to perfect his appeal from orders of said Court entered on or about June 24, 2015 and June 3, 2015 (M-2169), and to place the appeal on the same calendar day as the appeal taken by the appellant-children (M-2169),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the respective appeals for the October 2016 Term, and the Clerk of the Court is directed to place the appeals to be heard together on the same calendar day in the October 2016 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 June 14, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer, Justices.

-----x

Tonya Muro Phillips,
Plaintiff-Respondent,

-against-

M-1653
Index No. 307883/12

Roger Phillips,
Defendant-Appellant.

-----x

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 10, 2013, April 15, 2015 and June 29, 2015; and an appeal having been taken from an order and judgment (one paper) entered on or about June 19, 2015,

And an order of this Court having been entered on March 29, 2016 (M-240), consolidating the aforesaid appeals, and enlarging the time to perfect said consolidated appeals to the September 2016 Term,

And an order of this Court having been entered on May 3, 2016 (M-752), inter alia, denying a stay of an appeal taken from an order entered February 5, 2016,

And defendant-appellant having moved for an enlargement of time to perfect the appeals that were consolidated by the order of this Court entered March 29, 2016 (M-240), for an enlargement of time to perfect the appeal from the order of Supreme Court, New York County, entered on or about February 5, 2016, for an enlargement of the record on 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 consolidated appeals to the October 2016 Term, and consolidating said appeals with the appeal from the order entered on or about February 5, 2016. Appellant

is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. 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 June 14, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

In re Mark Crichlow,
Petitioner-Appellant,

-against-

M-1566
Index No. 251548/13

NYS Office of
Mental Health, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to seek leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 11, 2016 (Appeal No. 204),

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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-2643
Index No. 4159/12

James McNaught,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 26, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 11, 2016, 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 June 14, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x
Steven G. Schulman,

Plaintiff-Appellant,

-against-

Apryl N. Miller,

Defendant-Respondent.
-----x

M-1693
M-1694
Index No. 350053/00

Plaintiff-appellant having moved, by separate motions, for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 31, 2015,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated May 2, 2016, and due deliberation having been had thereon,

It is ordered that the aforesaid appeal is deemed 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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Daniel Porch,
Plaintiff-Appellant,

-against-

M-2648
Index No. 300427/13

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

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 8, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 6, 2016, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----X
Reina Maria Kado,
Plaintiff-Appellant,

-against-

Montefiore Medical Center,
Defendant-Respondent.

M-2019
Index No. 305869/12

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 8, 2015, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

-against-

M-1576
Ind. No. 1381/14

Yunnel Ramirez,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2015, 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 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 serve one copy of such brief upon the District Attorney of said county and files 8 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.

Defendant-appellant's time in which to perfect the appeal is 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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

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

-against-

M-2066
Ind. No. 850/09

Jermaine Dunham,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2011, 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 8 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.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

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

-against-

M-1998
Ind. No. 3470/10

Mario Olmedo,
Defendant-Appellant.

-----X

An order of this Court entered on January 16, 2014 (M-6113) having deemed the appeal taken from a judgment of the Supreme Court, New York County, rendered on May 17, 2011, withdrawn,

And defendant-appellant, pro se, having moved to reinstate the aforesaid appeal, for leave to prosecute, as a poor person, said appeal, 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 8 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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Genesis A.,
and Ada A.,

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

M-1874
Docket Nos. NA-2971/15
NA-2972/15

Administration for Children's
Services,
Petitioner-Respondent,

Candido A.,
Respondent-Appellant.

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-appellant father, Candido A., 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 February 9, 2016, 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 88th Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, 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;¹ **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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

- - - - -
Edward B.,
Petitioner-Respondent,

M-2171
Docket No. O-47510/15

-against-

Elizabeth T.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, New York County, entered on or about April 7, 2016, 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, Leslie S. Lowenstein, Esq., 567 Sunset Blvd., Woodmere, NY 11598, Telephone No. (516) 994-6831, 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;¹ **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

¹Service 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 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:

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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Anthalys B.,
Christialys B.,
and Cerenithy B.,

M-1367

Dependent Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. Docket Nos. B-41025/14
B-41026/14
B-45506/14

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

Ecksthine B.,
Respondent-Appellant,

Christian B.,
Respondent-Appellant.

Andre J. Baer, Esq.,
Attorney for the Child,
Christialys Adonai B.,

Aleza Ross, Esq.,
Attorney for the Children,
Cerenithy Ecksthine B.
and Anthalys Galilee B.

-----X

Respondent-appellant mother, Ecksthine B., having moved for leave to prosecute, as a poor person, the appeal taken from three orders of the Family Court, New York County, entered on or about February 17, 2016, 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 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;¹ **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. (See M-1368, M-1648 and M-1651, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Anthalys B.,
Christialys B.,
and Cerenithy B.,

M-1651

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

Docket Nos. B-41025/14
B-41026/14
B-45506/14

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

Ecksthine B.,
Respondent-Appellant,

Christian B.,
Respondent-Appellant.

Andre J. Baer, Esq.,
Attorney for the Child,
Christialys B.,

Aleza Ross, Esq.,
Attorney for the Children,
Cerenithy B.
and Galilee B.

-----X

Kao Pin Lew, Esq., Family Court attorney for subject children Cerenithy B. and Anthalys B., having moved on said children's behalf for leave to respond, as a poor person,

to the appeal from three orders of the Family Court, New York County, all entered on or about February 16, 2016, 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 respondents-appellants and 8 copies thereof are filed with this Court. (See M-1367, M-1648 and M-1368, 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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Anthalys B.,
Christialys B.,
and Ecksthine B.,

M-1368

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

Docket Nos. B-41025/14
B-41026/14
B-45506/14

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

Ecksthine B.,
Respondent-Appellant,

Christian B.,
Respondent-Appellant.

- - - - -
Andre J. Baer, Esq.,
Attorney for the Child,
Christialys B.,

Aleza Ross, Esq.,
Attorney for the Children,
Cerenithy B.
and Anthalys B.

-----X

Wendy I. Luger, Esq., Family Court attorney for the subject child, Christialys B., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from three orders of the Family Court, New York County, all entered on or about February 17, 2016, 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 J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318, 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 respondents-appellants and 8 copies thereof are filed with this Court. (See M-1367, M-1648 and M-1651, 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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.,
Rolando T. Acosta, Justices.

-----X
In the Matter of

Anthalys B.,
Christialys B.,
and Cerenithy B.,

M-1648

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

Docket Nos. B-41025/14
B-41026/14
B-45506/14

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

Ecksthine B.,
Respondent-Appellant,

Christian B.,
Respondent-Appellant.

- - - - -
Andre J. Baer, Esq.,
Attorney for the Child,
Christialys B.,

Aleza Ross, Esq.,
Attorney for the Children,
Cerenithy B.
and Anthalys B.

-----X

Respondent-appellant father, Christian B., having moved for leave to prosecute, as a poor person, the appeal taken from three orders of the Family Court, New York County, entered on or about February 17, 2016, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite # 201, Jamaica, New York, 11432, Telephone No. (917) 378-0176, 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;¹ **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.** (See M-1367, M-1651 and M-1368, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----x
Jeffrey Delorbe,

Plaintiff-Appellant,

-against-

M-1960
Index No. 21551/05

Edward S. Butts, Jr.,

Defendant-Respondent.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, Bronx County, entered on or about August 4, 2015 and March 21, 2016, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about August 4, 2015, and for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting plaintiff to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the October 2016 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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of the Commitment of

Nekia Gerell C., also known as
Nekie G. C., also known as
Nekia C., also known as
Nekai Gerrell C., also known as
Nekai G. C., also known as
Nekai C.,

M-2061
Docket No. B-26336/11

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

- - - - -
Saint Dominic's Home and Commissioner of the Administration for Children's Services of the City of New York,
Petitioners-Respondents,

Kevin Ebedmelech C., also known as
Kevin E. C., also known as Kevin C.,
also known as Kevin Ebedmelech C.,
Sr., also known as Kevin E. C., Sr.,
also known as Kevin C., Sr.,
Respondent-Appellant,

Laurel Shavonne McC., also known as
Laurel S. McC., also known as Laurel
McC.,
Respondent.

- - - - -
Paul Sweeney, Esq.,
Attorney for the Child,
Nekia, etc.

-----X

-----X
In the Matter of the Commitment of

Ziah Xzavion C., also known as
Ziah C., also known as Ziah McC.,
also known as Zian MCC.,

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

Docket No. B-2451/12

- - - - -
SCO Family of Services and Commissioner
of the Administration for Children's
Services of the City of New York,
Petitioners-Respondents,

Kevin Ebedmelech C., also known as
Kevin E. C., also known as Kevin C.,
also known as Kevin Ebedmelech C.,
Sr., also known as Kevin E. C., Sr.,
also known as Kevin C., Sr.,
Respondent-Appellant,

Laurel Shavonne McC., also known as
Laurel S. McC., also known as Laurel
McC.,
Respondent.

- - - - -
Rina Mais, Esq.,
Attorney for the Child,
Ziah, etc.

-----X
In the Matter of the Commitment of

Damani Makai Naseyre C., also
known as Damani C., also known as
Damani MCC., also known as Damani
McC.,

Docket No. B-2454/12

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

- - - - -

- - - - -
 SCO Family of Services and Commissioner
 of the Administration for Children's
 Services of the City of New York,
 Petitioners-Respondents,

Kevin Ebedmelech C., also known as
 Kevin E. C., also known as Kevin C.,
 also known as Kevin Ebedmelech C.,
 Sr., also known as Kevin E. C., Sr.,
 also known as Kevin C., Sr.,
 Respondent-Appellant,

Laurel Shavonne McC., also known as
 Laurel S. McC., also known as Laurel
 McC.,
 Respondent.

- - - - -
 Beatrice Mayol, Esq.,
 Attorney for the Child,
 Damani.

-----X

Respondent-appellant father 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 April 1, 2016,
 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
 88th Street, Apt. #3, New York, NY 10024, Telephone No. (917)
 886-5620, 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;¹ **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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----X
Fred Salerno,
Plaintiff-Appellant,

-against-

M-2116
Index No. 157866/14

Coach, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 10, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2016 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 June 14, 2016.

PRESENT : Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Melvin Lee and Carol Lee,
Plaintiffs-Respondents,

-against-

The City of New York, The New York City Police Department, Detective Carlos Marchena (Shield #6212) and P.O. "John Doe" fictitious name meant to designate Police Officer who permitted injury to Plaintiff,
Defendants-Appellants,

M-1723
Index No. 306089/11

-and-

Julio E. Gonzalez,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 8, 2016,

And plaintiffs-respondents having moved for a discretionary appellate preference requiring the aforesaid appeal to be perfected by the September 2016 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 directing defendants-appellants to perfect their appeal for the December 2016 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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Ming Tung, Wai Ching, Chen and Shun
Yi Mon,
Petitioners-Respondents,

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

M-1643
M-1962
Index No. 110149/11

-against-

China Buddhist Association,
et al.,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 9, 2015,

And respondents-appellants having moved for a stay of the aforesaid order, pending hearing and determination of the appeal taken therefrom (M-1643),

And petitioners-respondents having cross-moved to dismiss the aforesaid appeal, for failure to timely perfect (M-1962),

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 stay is granted on condition the appeal is perfected for the September 2016 Term (M-1643). The cross motion to dismiss the appeal is denied (M-1962).

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 June 14, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x

Michelle McGuirk,
Plaintiff-Appellant,

-against-

M-1808

M-1840

Index No. 101543/14

Belkin Burden Wenig & Goldman, LLP,
et al.,
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about January 5, 2016,

And plaintiff-appellant having moved for a stay of enforcement of the order which, inter alia, denied plaintiff's motion for a preliminary injunction pending hearing and determination of said appeal (M-1808), and for leave to take "timely appeals equal to three weeks added time" (M-1840),

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

It is ordered that the motions 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 June 14, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

Respondent,

-against-

Daniel Roman,

Defendant-Appellant.
-----x

M-3854
NY Ind. No. 5708/08
BX Ind. No. 2923/09

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about April 10, 2012; and an appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about and April 16, 2012, respectively,

And defendant-appellant having moved for a stay or suspension of execution of the judgments 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 denied, as academic.

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 June 14, 2016.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Julia Nunes and Sudhir Nunes,
Plaintiffs-Respondents,

-against-

M-1986

Index No. 156224/13

Earth Relocation, Inc.,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 9, 2016 (Appeal No. 167) reversing the order of the Supreme Court, New York County, entered on or about August 4, 2014,

And defendant-appellant having moved for an order requiring plaintiffs to make immediate restitution to defendant in the amount of \$51,190.23 plus interest that had been paid to plaintiffs in satisfaction of the judgment, now that this Court reversed the judgment, and staying all proceedings by plaintiffs until plaintiffs make restitution,

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 June 14, 2016.

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

-----X
In re Best Payphones, Inc.,
Petitioner-Appellant,

-against-

Guzov Ofsink, LLC,
Respondent-Respondent.

M-785
Index No. 107645/11

-----X

Respondent having moved for reargument of the decision and order of this Court entered on January 19, 2016 (Appeal No. 16722N),

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 June 14, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X

Lin Shi,
Plaintiff-Appellant,

-against-

M-1711
Index No. 160529/13

Panagis Alexandratos, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 3, 2016 (Appeal Nos. 389-389A),

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 June 14, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Judith J. Gische
Marcy L. Kahn, Justices.

-----x
Martin Stoner,
Plaintiff-Appellant,

-against-

M-1732
Index No. 101399/14

Atlantic Realty Apts., LLC, et al.,
Defendants-Respondents.
-----x

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about February 4, 2016,

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 addressing the issue directly on 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 June 14, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----x
Thomas Ling,
Plaintiff-Appellant/Respondent,

-against-

M-1725
Index No. 650092/14

Kemper Independence Insurance Co.,
Defendant-Respondent/Appellant.
-----x

An appeal having been taken to this Court by plaintiff from an order of the Supreme Court, New York County, entered on or about June 19, 2015; and a separate appeal having been taken to this Court by defendant from the order of said Court entered on or about February 11, 2016, respectively,

And defendant-respondent/appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect the appeal from the order entered on or about June 19, 2015,

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 time to perfect the appeal from the order entered on or about June 19, 2015 is enlarged to the September 2016 Term, to which Term the appeal from the order entered on or about February 11, 2016 is to be perfected. The respective appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11(d) with respect to a joint record and costs thereof.

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 June 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn, Justices.

-----X
Domingo Mouta and Maria Jose Mouta,
Plaintiffs-Respondents, M-2108
-against- M-2177
Essex Market Development, LLC and J.F. M-2234
Contracting Corp.,
Defendants-Appellants, Index No. 307749/08
-and-
MSS Construction Corp.,
Defendant.

-----X
Essex Market Development, LLC,
Third-Party Plaintiff-Appellant,
-against- Third-Party
Index No. 83824/09
Marangos Construction Corp.,
Third-Party Defendant-Appellant.

-----X
J.F. Contracting Corp.,
Third-Party Plaintiff-Appellant,
-against- Second Third-Party
Index No. 83768/09
Marangos Construction Corp.,
Third-Party Defendant-Appellant.

-----X
Appeals having been taken from an order and an amended judgment of the Supreme Court, Bronx County, entered on or about June 16, 2015 and July 8, 2015, respectively,

And defendant/third-party plaintiff J.F. Contracting Corp. having moved for an enlargement of time to perfect its appeals from the aforesaid order and amended judgment (M-2108),

And third-party-defendant Marangos Construction Corp. having cross moved for an enlargement of time to perfect its appeal from the aforesaid amended judgment (M-2177),

And defendant/third-party plaintiff Essex Market Development LLC., having cross moved for an enlargement of time to perfect its appeal from the aforesaid amended judgment (M-2234),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the November 2016 Term (M-2108/M-2177/M-2234). Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 June 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn, Justices.

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

-against-

Curtis L. Cooper,
Defendant-Appellant.

CONFIDENTIAL

M-2097

Ind. No. 3402/12

-----X

An order of this Court having been entered on July 23, 2013 (M-2835), inter alia, assigning Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on December 11, 2012,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 the appeal because of appellant's death on August 19, 2015, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

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 June 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Sallie Manzanet-Daniels, Justices.

-----X
In re Patricia Gill,
Petitioner-Appellant,

-against-

M-1352
Index No. 400855/14

Nyack College, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court, entered on February 16, 2016 (Appeal No. 239), and for other relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Sallie Manzanet-Daniels, Justices.

-----X

Seamus Lannon and Eileen Fee,
Plaintiffs-Appellants,

-against-

M-1348
Index No. 302050/12

356 West 44th Street Restaurant,
Inc., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 16, 2016 (Appeal No. 242),

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 June 14, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

-against-

M-2069
Index No. 310389/10

Marnie Ann Joyce,
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 31, 2016 (Appeal Nos. 658-659),

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 June 14, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber, Justices.

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

-against-

M-1327
Ind. No. 5441/11

Demariano Fagiario,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 21, 2015 (M-1657) 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 July 9, 2014, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, 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 granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Arza Feldman, Esq., 626 EAB Plaza, RXR Tower, 6th Floor, Uniondale, NY 11556, Telephone No. 516-522-2828 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Judith J. Gische
Troy K. Webber, Justices.

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

Respondent,

-against-

M-2368
Ind. No. 1222/10

Bruce Adams,

Defendant-Appellant.
-----X

An order of this Court having been entered on February 16, 2016 (M-6521), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 3, 2011, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute defendant's appeal,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Board of Managers of 141 Fifth
Avenue Condominium,
Plaintiff-Respondent-Appellant,

-against-

M-2460
Index No. 651426/13

141 Acquisition Associates, LLC,
et al.,
Defendants,

Cetra/Ruddy Incorporated, John A. Cetra
Architecture, P.C.,
Defendants-Respondents,

J. Construction Company, LLC,
Defendant-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 16, 2015,

And defendant-appellant-respondent J. Construction Company, LLC 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 the cross appeal to the December 2016 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 June 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

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

-against-

M-2163
Ind. No. 3810/09

Andy Mercado,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 18, 2012,

And defendant-appellant having moved for an order relieving retained counsel, Joseph C. Heinzmann, Esq., and to substitute other counsel to prosecute the appeal,

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

It is ordered that the motion is denied.

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 June 14, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter, Justices.

-----x
Kevin McDermott, et al.,
Plaintiffs-Respondents,

-against-

M-5404
Index No. 151792/14

John Chapski, etc., et al.,
Defendants-Appellants.
-----x

Defendants-appellants having moved to hold plaintiffs' counsel, Richard P. Savitt, Esq., in civil and criminal contempt for violation of a stay pending appeal granted by this Court on August 4, 2015 (M-3070),

And Richard P. Savitt, Esq., having submitted an affirmation in opposition to the motion,

And defendants-appellants having submitted an affirmation in reply,

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

It is ordered that the branch of the motion seeking to hold Richard P. Savitt, Esq., in criminal contempt is denied. To the extent that the motion seeks to hold the aforesaid attorney in civil contempt, it is granted to the extent of remanding the matter to the Supreme Court for immediate assignment to a Court Attorney Referee to conduct a hearing, and to file a report with the Clerk of this Court with respect to the issues pertinent to whether the aforesaid attorney should be held in civil contempt.

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 June 14, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
Debra T.,
Plaintiff-Respondent,

-against-

Andrew F.,
Defendant-Appellant.
-----X

CONFIDENTIAL

M-2364

Index No. 350006/11

An appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about September 1, 2015,

And defendant-appellant having moved for an order striking from the Supreme Court record transcripts which were admitted into evidence by the Special Referee after the record of the financial trial closed, or in the alternative, to supplement the record with certain correspondence attached to the moving papers as exhibits,

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 June 14, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
Michael Koulermos, et al.,
Plaintiffs,

-against-

A.O. Smith Water Products,
Defendant,

M-2017
Index No. 190406/14

National Grid USA,
Defendant-Respondent,

Courter & Company, et al.,
Defendant-Appellants.

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Defendants-appellants having moved for reargument of the decision and order of this Court entered on March 17, 2016 (Appeal No. 542),

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