

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 December 17, 2015.

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

-----X

Monique T.,
Petitioner-Appellant,

-against-

M-5652

Docket No. F-01272-08/12F & 13G

Leugene Jamel S.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about August 7, 2015, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated November 2, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.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 December 17, 2015.

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

-----X

Leslie H. Ben-Zvi,
Plaintiff-Appellant,

-against-

M-5101
Index No. 651545/14

Queller, Fisher, Washor, Fuchs &
Kool, LLP,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 5, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2015, 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It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.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 December 17, 2015.

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

-----X

Goldman Sachs & Co.,
Plaintiff-Respondent,

-against-

M-5170
Index No. 652149/12

CVR Energy, Inc.,
Defendant-Appellant.

-----X

Deutsche Bank Securities Inc.,
Plaintiff-Respondent,

Index No. 652800/12

-against-

CVR Energy, Inc.,
Defendant-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 10, 2014 and September 30, 2014, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated October 16, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 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 the Petition for
Appointment of an Umpire in the
Arbitration between

National Union Fire Insurance Company
of Pittsburgh, Pennsylvania and AIU
Insurance Company,
Petitioners-Respondents,

SEALED
M-5172
Index No. 651558/14

-against-

Everest Reinsurance Company,
Respondent-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 28, 2014, and two orders of the same Court and Justice entered on or about April 22, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated October 5, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2015.

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

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

Respondent,

-against-

M-5185
DC #12
Ind. No. 4580/91

Terence Boddie,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 10, 2005,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid 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 December 17, 2015.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4596
Ind. No. 3228/07

Angel Beauchamp,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 10, 2011 (Appeal No. 5026), unanimously affirming a judgment of the Supreme Court, Bronx County (Caesar Cirigliano, J.), rendered on May 19, 2009,

And an order of this Court having been entered September 22, 2015 (M-2700) denying defendant-appellant's motion for relief in the nature of a writ of error coram nobis, and related relief,

And defendant-appellant pro se having moved for an order directing this Court to take judicial notice of certain enumerated items,

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 December 17, 2015.

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

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

Respondent,

-against-

Paul F. Gaccione,

M-5207
DC #30
Ind. No. 1171/10

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant
from the judgment of the Supreme Court, Bronx County, rendered on
or about September 12, 2012,

And said appeal not having been brought on for hearing
pursuant to the provisions of the Rules of Practice of the
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the
Court on October 22, 2015, pursuant to Rule 600.12(c) of said
Rules of Practice, and counsel for appellant having submitted an
affirmation seeking an enlargement of time in which to perfect
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the
appeal is enlarged to the June 2016 Term and counsel is directed
to so perfect.

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 December 17, 2015.

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

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

Respondent,

-against-

Kalonji Mahon,

Defendant-Appellant.

M-5231
DC #50
Ind. No. 4569/10
Case No. 74765C/10

-----X

An appeal having been taken to this Court by defendant
from the judgment of the Supreme Court, Bronx County, rendered on
or about September 24, 2012,

And said appeal not having been brought on for hearing
pursuant to the provisions of the Rules of Practice of the
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the
Court on October 22, 2015, pursuant to Rule 600.12(c) of said
Rules of Practice, and counsel for appellant having submitted an
affirmation seeking an enlargement of time in which to perfect
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the
appeal is enlarged to the June 2016 Term and counsel is directed
to so perfect.

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 December 17, 2015.

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

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

Respondent,

-against-

Maliek Malcolm,

M-5232
DC #51
SCI No. 909/12

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 July 11, 2012,

And said appeal not having been brought on for hearing
pursuant to the provisions of the Rules of Practice of the
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the
Court on October 22, 2015, pursuant to Rule 600.12(c) of said
Rules of Practice, and counsel for appellant having submitted an
affirmation seeking an enlargement of time in which to perfect
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the
appeal is enlarged to the June 2016 Term and counsel is directed
to so perfect.

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 December 17, 2015.

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

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

Respondent,

-against-

Gentry Montgomery,

M-5240
DC #58
Ind. No. 3582/09

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 24, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2016 Term and counsel is directed to so perfect.

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 December 17, 2015.

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

Luis Acevedo and Susan Acevedo,
Plaintiffs-Respondents,

-against-

M-4362

Index No. 116194/02

A.P. Green Industries, Inc., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

Sarantis Markou and Hariklia Markou,
Plaintiffs-Respondents,

-against-

M-4367

Index No. 190315/13

Air & Liquid Systems Corp., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

Angelina Maldonado, as personal
representative of the Estate of Tomas
Maldonado, Jr., and Angelina Maldonado,
Individually,
Plaintiffs-Respondents,

-against-

M-4369

Index No. 101375/05

A.O. Smith Water Products, Co., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

December 17, 2015

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X

Dolores Breschard, as Personal
Representative for the Estate of Robert
J. Breschard, and Dolores Breschard,
Individually,
Plaintiffs-Respondents,

-against-

M-4372

Index No. 100564/06

A.O. Smith Water Products, Co., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant in the above-named actions having moved for
an enlargement of time to perfect the appeals taken from the orders of
the Supreme Court, New York County, entered on or about August 13,
2013, September 11, 2014, December 4, 2013 and August 28, 2013,
respectively,

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 to the April 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 December 17, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Lloyd A. Gelwan,
Plaintiff-Appellant,

-against-

M-4408
Index No. 653656/13

Youni Gems Corporation, Younatan Aharon,
David Aharoni and Yossef Aharoni,
Defendants-Respondents,

Sanharwal & Associates,
Nominal Defendant.

-----X

An appeal having been taken from an order and judgment (one paper) entered on or about August 12, 2014,

And plaintiff-appellant having moved to continue the stay granted by an order of this Court entered on December 23, 2014 (M-5223) and continued further by an order of a Justice of this Court entered on September 8, 2015, and for an enlargement of time to perfect the his direct appeal, and for related relief

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

It is ordered that the motion is granted to the extent of continuing the aforesaid stay relief on condition plaintiff perfects his appeal on or before February 22, 2016 for the May 2016 Term. So much of the motion which seeks an enlargement of time to perfect plaintiff's appeal is granted, as indicated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Smart Trike, MNF, PTE, LTD.,
Plaintiff-Appellant-Respondent,

-against-

M-4470

Index No. 650376/12

Piermont Products LLC, formerly
known as Smart Trike, LLC,
Defendant-Respondent-Appellant,

Robert Kramer and Joseph Janowski,
Defendants.

-----X

Plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal and cross appeal from an order of the Supreme Court, New York County, entered on or about December 12, 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 and cross appeal to the June 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 December 17, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Pedro Alexander Espinal,
Petitioner,

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

M-4527
Index No. 101356/14

-against-

Cyrus R. Vance, Jr., New York County
District Attorney and Assistant
District Attorney Susan C. Roque,
Respondents.

-----X
An appeal having been taken to this Court, from a judgment of the Supreme Court, New York County, entered on or about July 20, 2015, to review a determination of respondent,

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

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

It is ordered that the motion is 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 December 17, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of

Michael Johnson and Ronald Johnson,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 of the CPLR. M-4565
Index. No. 100297/15

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioners-appellants having moved for leave to prosecute, as a poor person, the appeal from the order and judgment of the Supreme Court, New York County, entered on or about August 10, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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 December 17, 2015.

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

-----X
Christopher Lauenborg and
Stephanie Lauenborg,
Plaintiffs-Appellants,

-against-

M-4724
Index No. 111039/11

New York State Dormitory Authority,
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 November 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 the motion is granted to the extent of enlarging the time to perfect the appeal to the April 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 December 17, 2015.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Anthony Zappin,

Plaintiff-Appellant,

-against-

M-5533
Index No. 301568/14

Claire Comfort,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County entered on or about September 21, 2015,

And plaintiff-appellant having moved for a stay of a certain Supreme Court sanction order pending hearing and determination of the appeal, or for alternative relief,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court dated October 30, 2015 to the extent still in effect, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
In the Matter of the Application of
The 111 Condominium, 1105 Park Avenue
Corp., and Carnegie Hill Neighbors, Inc.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-5686
of the Civil Practice Law and Rules Index No. 100198/14

-against-

Board of Standards and Appeals of the
City of New York, Dalton Schools, Inc.,
Respondents-Respondents.
-----x

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

And respondent-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, directing petitioners-appellants to expedite perfection of the appeal and for calendar preference in hearing 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 to the extent of directing petitioners-appellants to perfect the appeal on or before February 1, 2016 for the April 2016 Term, and 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

- - - - -
Jamie Taylor and Wojtek Scott Krol,
Plaintiffs,

-against-

1765 First Associates, LLC, Leon D.
DeMatteis Construction Corporation, New York
Crane and Equipment Corp. and Sorbara
Construction Corp.,
Defendants.

M-4364
Action No. 1
Index No. 114564/09

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Richard S. Burch, Shannon Toohey Burch and
Stuart Flynn Burch,
Plaintiffs,

-against-

1765 First Associates, LLC, Leon D.
DeMatteis Construction Corporation, New York
Crane and Equipment Corp. and Sorbara
Construction Corp., The City of New York,
and the City of New York Department of
Buildings,
Defendants.

Action No. 2
Index No. 112144/09

-----X
(And Additional Third-Party Actions)

-----X

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Vincent Podlaski,
Plaintiff,

-against-

Action No. 3
Index No. 150166/09

1765 First Associates, LLC, Leon D. DeMatteis
Construction Corporation, James F. Lomma,
New York Crane and Equipment Corp., The City
of New York, New York City Department of
Buildings, Mattone Group, LLC, Mattone Group
Construction Co. Ltd., Brady Marine Repair
Co., Howard I. Shapiro, Howard I. Shapiro &
Associates Consulting Engineers, P.C., New
York Rigging Corp., Branch Radiographic Labs,
Inc., Testwell, Include, Crane Inspection
Services, Ltd., Lucius Pitkin, Inc., Total
Safety Consulting, LLC.,
Defendants.

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Jennifer Kling,
Plaintiff,

-against-

Action No. 4
Index No. 111967/09

The City of New York, New York Crane &
Equipment Corp., Sorbara Construction Corp.,
1765 First Associates LLC and Leon D.
DeMatteis Construction Corporation,
Defendants.

-----X
(And Additional Third-Party Actions)

-----X

-----X

In Re: 91st Street Crane Collapse
Litigation

- - - - -
Marina Harss, Marco Nistico, Ruby Akin,
Oguz Akin, Philip Schiffman, Linda McIntyre,
Michael Fiorentino, Terence Scroope, Travis
Lull, Renay Loures and George Loures,
Plaintiffs,

-against-

Action No. 5

Index No. 150152/09

1765 First Associates, LLC, Leon D. DeMatteis
Construction Corporation, James F. Lomma,
New York Crane and Equipment Corp., Sorbara
Construction Corp., The City of New York,
New York City Department of Buildings,
Mattone Group, LLC, Mattone Group
Construction Co. Ltd., Brady Marine Repair
Co., Howard I. Shapiro, Howard I. Shapiro &
Associates Consulting Engineers, P.C., New
York Rigging Corp., Branch Radiographic Labs,
Inc., Testwell, Include, Crane Inspection
Services, Ltd., Lucius Pitkin, Inc., Total
Safety Consulting, LLC.,
Defendants.

-----X

(And Additional Third-Party Actions)

-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant-appellant, Sorbara Construction Corp., in the above-captioned actions from orders of the Supreme Court, New York County, entered on or about March 12, 2014 (mot. seq. no. 6 - Action No. 2/ mot. seq. no. 12 - Action No. 5) and from orders of the same Court and Justice entered on or about March 14, 2014 (mot. seq. no. 3 - Action No. 1/ mot. seq. no. 13 - Action No. 3/ mot. seq. no. 4 - Action No. 4), respectively,

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated 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 enlarging the time to perfect the consolidated appeals to the June 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

- - - - -
Simeon Alexis and Kathlyn Moore,
Plaintiffs,

-against-

The City of New York and 1765 First
Associates, LLC,
Defendants,

New York City Department of Education,
New York City Education Construction Fund,
Leon D. DeMatteis Construction Corporation,
the DeMatteis Organizations and New York
Crane and Equipment Corp.,
Defendants.

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Daniel Oddo,
Plaintiff,

-against-

The City of New York, and 1765 First
Associates, LLC,
Defendants,

Mattone Construction, Co., Ltd.,
DeMatteis Construction Corporation,
and New York Crane and Equipment Corp.,
Defendants.

-----X

M-4366
Action No. 1
Index No. 105221/09

Action No. 2
Index No. 111626/08

-----X
In Re: 91st Street Crane Collapse
Litigation

Jack Rizzocasio,
Plaintiff,

-against-

Action No. 3

Index No. 108088/09

The City of New York, and 1765 First
Associates, LLC,
Defendants,

Mattone Construction, Co., Ltd.,
DeMatteis Construction Corporation,
and New York Crane and Equipment Corp.,
Defendants.

-----X
(And Additional Third-Party Actions)
-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant, Sorbara Construction Corp. in the above-captioned actions from orders of the Supreme Court, New York County, entered on or about March 12, 2014 (mot. seq. no. 9 - Action No.1 /mot. seq. no. 11 - Action No. 2) and from an order of the same Court and Justice entered on or about March 11, 2014 (mot. seq. no. 7 - Action No. 3), respectively,

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated 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 enlarging the time to perfect the consolidated appeals to the June 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

- - - - -
Kevin Mahoney and Carolyn Ryan,
Plaintiffs,

-against-

1765 First Associates, LLC, DeMatteis
Construction Corporation, New York Crane &
Equipment Corp.,
Defendants.

M-4376
Action No. 1
Index No. 104543/09

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Robert G. Leino, Louise M. Leino and
Bridget E. Leino,
Plaintiffs,

-against-

James Lomma, individually and doing
business as New York Crane & Equipment Corp.,
Sorbara Construction Corp., Leon D. Matteis
Construction Corp., Mattone Group, LLC,
1765 First Associates, LLC and Total Safety
Consulting, LLC,
Defendants.

Action No. 2
Index No. 101871/09

-----X
(And Additional Third-Party Actions)

-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant, Sorbara Construction Corp., and by defendant 1765 First Associates, LLC from orders of the Supreme Court, New York County, entered on or about, entered on or about March 12, 2014 (mot. seq. no. 11 - Action No. 2), and from an order of the same Court and Justice entered on or about March 14, 2014 (mot. seq. no. 7 - Action No. 1),

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated 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 enlarging the time to perfect the consolidated appeals to the June 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

Maria Leo, Administratrix of the Estate of
Her Son, Donald Christopher Leo, Deceased
May 30, 2008,
Plaintiff,

-against-

M-4377
Action No. 1
Index No. 117294/08

The City of New York, New York City
Department of Buildings,
Defendants-Respondents,

Michael Carbone, Patricia J. Lancaster,
Robert Limandri, New York Crane and
Equipment Corp., James F. Lomma, Lomma
Trucking & Rigging, J.F. Lomma Rigging, Inc.,
Tes, Inc., J F Lomma Trucking & Riggin, JF
Lomma Tucking & Rigging and Specialized
Services, Brady Marine Repair Co., Testwell,
Inc., Branch Radiographic Laboratories Inc.,
Crane Inspection Services, Ltd., Sorbara
Construction Corp.,
Defendants,

1765 First Associates, LLC,
Defendant-Appellant,

Leon D. DeMatteis Construction Corporation,
Mattone Group Construction Co. Ltd., Mattone
Group, LLC., City of New York Construction
Authority, City of New York School Construction
Fund, Howard I. Shapiro & Associates Consulting
Engineers, P.C., New York Rigging Corp.,
Tower Rigging Consultants, Inc., Tower Rigging,
Inc., Unique Rigging Corp., Lucius Pitkin, Inc.,
McLaren Engineering Group, M.G. McLaren, P.C.
and John/Jane Does "1" through "10".
Defendants.

-----X

-----X
(And Additional Third-Party Actions)
-----X

In Re: 91st Street Crane Collapse
Litigation

- - - - -
Xhevahire Sinanaj and Selvi Sinanovic, as
Co-Administrators of the Estate of Ramadan
Kurtaj, Deceased & Selvi Sinanovic,
Individually,
Plaintiffs,

-against-

Action No. 2

Index No. 117469/08

The City of New York, New York City
Department of Buildings,
Defendants,

Michael Carbone, Patricia J. Lancaster,
Robert Limandri, City of New York School
Construction Authority, New York City
Educational Construction Fund, City of
New York School Construction Fund,
New York Crane & Equipment Corp, J.F.
Lomma, Inc., Tes, Inc., J F Lomma Trucking &
Rigging, JF Lomma Brady Marine Repair Co.,
Testwell, Inc., Branch Radiographic
Laboratories Inc., Crane Inspections
Services, Ltd.,

Sorbara Construction Corp., 1765 First
Associates, LLC,
Defendants,

Leon D. DeMatteis Construction Corporation,
Mattone Group Construction Co. Ltd., Mattone
Groupo Ltd., Mattone Group, LLC., Howard I.
Shapiro & Associates Consulting Engineers,
P.C., New York Rigging Corp., Tower Rigging
Consultants, Inc., Tower Rigging, Inc., Unique
Rigging Corp., Lucius Pitkin, Inc., McLaren
Engineering Group, M.G. McLaren, P.C.
and John/Jane Does "1" through "10".
Defendants.

-----X
(And Additional Third-Party Actions)
-----X

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
John Odermatt, Noel Allum, Mary Allum,
Vered Ohayon, Crystal Brisbano, William
Dodson, Ania Kucharski, Jonathan Urband
and David Leichter,
Plaintiffs,

-against-

Action No. 3

Index No. 102943/09

1765 First Associates, LLC, Leon D. DeMatteis
Construction Corporation, New York Crane and
Equipment Corp., Sorbara Construction
Corporation and The City of New York,
Defendants.

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
First & 91, LLC,
Plaintiff,

-against-

Action No. 4

Index No. 108543/08

1765 First Associates, LLC, Leon D. DeMatteis
Construction Corporation, New York Crane and
Equipment Corp., Sorbara Construction
Corporation and The City of New York,
Defendants.

-----X
(And Additional Third-Party Actions)

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Guiseppe Calabro,
Plaintiff,

-against-

Action No. 5

Index No. 108543/08

The City of New York, 1765 First Associates,
LLC, Mattone Group Construction Co., Ltd.,
DeMatteis Construction, Leon D. Matteis
Construction Corporation and New York Crane &
Equipment Corp.,
Defendants.

-----X

-----X
 (And Additional Third-Party Actions)
 -----X

In Re: 91st Street Crane Collapse
 Litigation
 - - - - -

Christopher Doran,
 Plaintiff,

-against-

Action No. 6

Index No. 108543/08

The City of New York, 1765 First Associates,
 LLC, Mattone Group Construction Co., Ltd.,
 DeMatteis Construction, Leon D. Matteis
 Construction Corporation and New York Crane &
 Equipment Corp.,
 Defendants.

-----X
 (And Additional Third-Party Actions)
 -----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant-appellant, Sorbara Construction Corp., and by defendant 1765 First Associates, LLC from orders of the Supreme Court, New York County, entered on or about March 3, 2014 (mot. seq. no. 88 - Action No. 1), March 5, 2014 (mot. seq. no. 63 - Action No. 2), March 12, 2014 (mot. seq. no. 24 - Action No. 5), March 13, 2014 (mot. seq. no. 11 - Action No. 4/ mot. seq. no 13 - Action No. 6), and March 14, 2014 (mot. seq. no. 10 - Action No. 3), respectively

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated 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 enlarging the time to perfect the consolidated appeals to the June 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 December 17, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4563
Ind. No. 2243/13

Gabriel Santiago,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as
a poor person, the appeal from the judgment of the Supreme Court,
New York County, rendered on or about January 28, 2015, for leave to
have the appeal heard on the original record and upon a reproduced
appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place
of the original indictment(s), and upon a reproduced appellant's
brief, on condition that appellant serves one copy of such brief upon
the District Attorney of said county and files 8 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) 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Shawn T. Hynes,
Petitioner-Respondent,

-against-

M-4592
Index No. 350061/13

Ulrike C. Berger, also known as
Julie Berger,
Respondent-Appellant.
-----X

Respondent-appellant having moved for an enlargement of
time to perfect the appeal from the order of the Supreme Court,
New York County, entered on or about November 21, 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 April 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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Mian Farooq,
Petitioner-Appellant,

-against-

Anthony Annuci, Acting Commissioner,
New York State Department of
Corrections, et al.,
Respondents-Respondents.
-----X

CONFIDENTIAL

M-4772

Index No. 251230/13

Petitioner-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 March 25, 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 April 2016 Term, with leave to seek further enlargements, if necessary.

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 December 17, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Cornell Curry,
Plaintiff,

-against-

Common Ground Community HDFC, Inc.,
Defendant.
-----X

M-4778
Index No. 113228/03

Plaintiff having moved pursuant to CPLR 5704(a) to vacate the most recent ruling made by the Supreme Court in this matter, and for certain other relief denied by a Justice of the Supreme Court, New York County, on or about August 26, 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 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 December 17, 2015.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Barbara R. Kapnick, Justices.

-----X
New York State Association of Affordable
Housing, et al.,
Plaintiffs-Appellants,

-against-

Council of the City of New York,
Defendant-Respondent,

M-5582
Index No. 158093/13

-and-

City of New York, et al.,
Defendants-Appellants.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 29, 2014,

And The Laborers Eastern Region Organizing Fund having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and the 8 copies of the brief filed with the moving papers are deemed filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

Shanequa Mascall,

Defendant-Appellant.
-----X

M-4555
Ind. Nos. 1585/12
1831/10
87/11

Appeals having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2014 and from the judgments of Supreme Court, Bronx County, rendered on or about June 28, 2013,

And an order of this Court entered October 16, 2014 (M-3417) inter alia, consolidating the aforesaid appeals,

And defendant-appellant having moved for an order amending the order of assignment entered June 11, 2013 (M-2217), by severing the three consolidated appeals under New York Co. Ind. No. 1585/12 and Bronx County Ind. Nos. 1831/10 and 87/11, and enlarging the time to perfect the appeals until 120 days after receipt of the record for those 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 directing that the appeal under New York Co. Ind. No. 1585/12 and the appeal under Bronx County Ind. Nos. 1831/10 and 87/11 be perfected separately and enlarging the time to perfect the appeal under the Bronx County Indictments to the April 2016 Term, with leave to seek further enlargements if necessary.

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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

Laura B. Schmit,
Plaintiff-Appellant,

-against-

M-4231
Index No. 158467/14

Wendy Davidson,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved to enjoin defendant from prosecuting a holdover proceeding pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 17, 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 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 December 17, 2015

PRESENT - Hon. Peter Tom,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick,

Justice Presiding,

Justices.

-----X
In the Matter of

Thomas G.,

Petitioner-Appellant,

-against-

Tara G.,

Respondent-Respondent.

M-4316
V-26173/12
V-26622/12
IDV. No. 165/12

-----X

Respondent-respondent having moved for dismissal of the
appeal taken from the order of the Supreme Court, Bronx County,
entered on or about June 23, 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 denied with leave to renew
upon proof of service of the motion directly upon petitioner at
his last known address.

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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

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

-against-

M-4327
Ind. No. 6606/03

Kyle Jenkins,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2013,

And an order of this Court entered on December 9, 2014 (M-4014) inter alia, striking assigned counsel, Seymour W. James, Esq., and substituting Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and continuing the poor person relief previously granted,

And assigned counsel, Richard M. Greenberg, Esq., having moved to be relieved as appellate counsel, 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 granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, 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, 28th Floor, New York, New York 10005, 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.

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 December 17, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

Luis Rios,
Claimant-Appellant,

Court of Claims
M-4518
Claim No. 124725

-against-

The State of New York,
Defendant-Respondent.

-----X

Claimant-appellant, pro se, having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Court of Claims, New York County, entered on or about July 6, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied.

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 December 17, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

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

Appellant,

-against- M-4723
Ind. No. 2920/14
Jacqueline Misodi,

Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to respond, as a
poor person, to the People's appeal from an order of the Supreme
Court, Bronx County, entered on or about June 15, 2015, 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
(1) 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 the People and 8 copies thereof are
filed with this Court, and (2) assigning, pursuant to Section 722
of the County Law, Seymour W. James, Jr., Esq., 199 Water Street,
5th Floor, New York, New York 10038, Telephone No. (212)577-3688,
as counsel for purposes of responding to the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2015.

PRESENT: Hon: Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

Luis Vidro,

Defendant-Appellant.
-----X

M-4348
Ind. Nos. 1671/11
4593/09
1680/10

An order of this Court having been entered on August 4, 2015 (M-2919), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 23, 2015, under Indictment No. 1671/11, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include Bronx County Indictment Nos. 4593/09 and 1680/10,

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 amending defendant's notice of appeal and the aforementioned order of this Court to include Indictment Nos. 4593/09 and 1680/10, 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 December 17, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of
Rosemarie Sylvester,
Petitioner-Appellant,

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

-against-

M-5290
Index No. 400421/14

New York City Board/Department
of Education,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from of a judgment of the Supreme Court, New York County, entered on or about December 18, 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 April 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 December 17, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Ginarte, O'Dwyer, Gonzalez, Gallardo
& Winograd, L.L.P.,
Plaintiff-Appellant-Respondent,

-against-

M-5428

M-5731

Index No. 158422/12

The Law Offices of Rex E. Zachofsky,
PLLC and Rex E. Zachofsky, Individually,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 28, 2015,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal (M-5428),

And defendants-respondents-appellants having cross-moved for the same relief (M-5731),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the June 2016 Term (M-5428/M-5731).

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 December 17, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----X
Michelle Lynn McGuirk,
Plaintiff-Petitioner-Appellant,

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

-against-

M-5785
M-5904
Index No. 100809/14

N.Y.S. Division of Human Rights, et al.,
Respondents-Respondents,

Swiss Re Financial Services, Corp.,
et al.,
Defendants-Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 1, 2015, to review a determination of respondents, and said proceeding having been perfected,

And petitioner having moved to strike respondent's brief (M-5785),

And petitioner having moved separately to file a supplemental appendix (M-5904),

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 to strike respondent's brief is denied (M-5785). It is further ordered that the motion to file a supplemental appendix is granted to the extent of deeming the 10 copies of the supplemental appendix included with said motion deemed filed (M-5904).

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 December 17, 2015.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Palmore Clarke,
Petitioner-Respondent,

For a Judgment Pursuant to Article 75 **M-4916**
of the Civil Practice Law and Rules, Index No. 652634/13

-against-

New York City Department of Education,
City School District of the City of
New York,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about September 22, 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 April 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 December 17, 2015.

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

-----X
JLM Couture, Inc.,
Plaintiff-Appellant,

-against-

M-5383
Index No. 650051/14

GCS Software, Inc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from of the order of the Supreme Court, New York County, entered on or about November 14, 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 2016 Term, with leave to seek further enlargements, if deemed necessary.

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 December 17, 2015.

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

-----X
Rory Thompson,
Plaintiff-Appellant,

-against-

M-5437
Index No. 153535/14

New York City, Steven Banks,
Commissioner of the New York City
Human Resources Administration
and Stephanie Grant,
Defendants-Respondents.

-----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 November 13, 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 May 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 December 17, 2015.

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

-----X

U.S. Bank National Association,
solely in its capacity as Trustee
of the Home Equity Asset Trust
2007-3 (Heat 2007-3),
Plaintiff-Respondent-Appellant,

M-5478
Index No. 651563/13

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 23, 2014,

And plaintiff-respondent-appellant having moved for an enlargement of time to perfect the appeal and cross appeal from the aforesaid order,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated October 27, 2015, 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 April 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 December 17, 2015.

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

-----X

In the Matter of the Application of
Malik Turner,
Petitioner-Appellant,

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

M-5408
Index No. 101455/14

-against-

New York City Department of Housing
Preservation and Development, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from an order and judgment
(one paper), of the Supreme Court, New York County, entered on or
about June 23, 2015,

And petitioner-appellant have moved for leave to appeal
to this Court and to stay a pending holdover proceeding, pending
hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted, on condition
the appeal is perfected for the April 2016 term, and on condition
petitioner remain current in rent or use and occupancy.

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 December 17, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
David B. Saxe
Judith J. Gische, Justices.

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

-against-

M-4270

Ind. No. 446/11

Amaury Jimenez,,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 22, 2013, having moved for leave to file a pro se supplemental 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 copy of the proposed pro se supplemental brief annexed to the moving papers as Exhibit A as timely filed for the March 2016 Term, to which Term appeal adjourned.

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 December 17, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Karla Moskowitz, Justices.

-----X
Due Peci, Inc., doing business as,
Agent R.E.D. International,
Plaintiff-Respondent,

-against-

M-4328
Index No. 650025/12

Eva Franco, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 5, 2014,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Peter M. Khrinenko, Esq., attorney for defendant-appellant, dated November 18, 2016, and due deliberation having been had thereon,

It is ordered that both the motion and the appeal are deemed 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 December 17, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Yvonne Gilmore,
Plaintiff-Appellant,

-against-

M-5539
Index No. 104095/11

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 22, 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 April 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 December 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Wilkyn Artiles,
Petitioner,

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

M-4986
Index No. 101575/13

-against-

Raymond Kelly, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 23, 2014, to review a determination of respondent,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding,

Now, upon reading and filing the papers with respect to said 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 aforesaid proceeding to the April 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 December 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Ibrahima D. Jalloh,
Plaintiff-Appellant,

-against-

M-5024
Index No. 303630/12

Barbara Farrell, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about May 12, 2015,

And retained counsel, Laskin Law PC, having moved for an order relieving the firm as appellant's 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.

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 December 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Rafael Pagan,
Plaintiff-Appellant,

-against-

M-5144
Index No. 301685/11

Nu Way Cleaners, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from of the order of the Supreme Court, Bronx County, entered on or about October 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 April 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 December 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
The Board of Managers of the 257 West
17th St. Condominiums,
Plaintiff-Respondent,

-against-

M-5295
Index No. 160585/13

257 Associates Borrower LLC and BBP
Fitness LLC, doing business as
Brick New York,
Defendant-Appellant.

-----X

Defendant-appellant BBP Fitness LLC, doing business as
Brick New York having moved for an enlargement of time to perfect
the appeal taken from of the order of the Supreme Court, New York
County, entered on or about January 22, 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 April 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 December 17, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

In the Matter of

Kayllyn M.,

M-5342

Docket No. D-27299/14

A Person Alleged to be
A Juvenile Delinquent.

-----X

Respondent-appellant having moved for an enlargement of
time to perfect the appeal from an order of the Family Court,
Bronx County, entered on or about January 7, 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 April 2016
Term.

ENTER:


CLERK

✓

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-5113
Ind. No. 3356/06

-against-

CERTIFICATE
DENYING LEAVE


Charles Stevenson,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, dated March 25, 2015, is hereby denied.

Dated: November 27, 2015
New York, New York

Entered: December 17, 2015



Hon. Barbara R. Kapnick
Associate Justice