

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 October 6 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-3910
Ind. No. 1871/09

Rodney Dunbar, also known as
"JD Hot Rod",
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 3, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6 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-3916
Ind. No. 1323/13

Eric Bukingham,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 6, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 10, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2015.

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

-----X

David L. Abramson, M.D., et al.,
Plaintiffs-Appellants,

-against-

M-3970
Index No. 151330/14

74th LLC and Ben Heller,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 26, 2014,

Now, and upon reading and filing the stipulation of the parties hereto, dated August 10, 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It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.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 October 6, 2015.

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

-----X

TADCO Construction Corp.,
Plaintiff-Respondent-Appellant,

-against-

M-3852

Index No. 603259/06

Gottesman, Wolgel, Malamy, Flynn
& Winberg, P.C., et al.,
Defendants-Appellants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 26, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 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 October 6, 2015.

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

-----X

Trilegiant Corporation,
Plaintiff-Respondent,

-against-

M-3843

Index No. 651850/11

Orbitz, LLC, et al.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 5, 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 October 6 2015.

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

-----X
JPMorgan Chase Bank, N.A.,
Plaintiff-Respondent,

-against-

M-2804
M-3944X
Index No. 382446/09

Rosemond Kissi, also known as
Rosemond Kunadu Kissi, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 19, 2010, and a motion to dismiss the appeal having been made by plaintiff-respondent (M-2804),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 3, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation. The motion to dismiss the appeal is denied, as academic (M-2804).

ENTER:


CLERK

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

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


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 October 6, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Barbara R. Kapnick, Justices.

-----X
Bruckner Realty LLC,
Petitioner-Respondent,

-against-

M-2358
Index No. 900975/14

Jeanette Cruz,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 16, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

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 October 6, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Barbara R. Kapnick, Justices.

-----X

208 Avenue A Associates,
Petitioner-Respondent,

-against-

M-2322
Index No. 570775/14

Ricardo Cordero,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 17, 2014, and for a stay of the execution of the warrant of eviction pending the outcome of this motion,

Now, upon reading and filing the stipulation of settlement of the parties hereto, dated May 14, 2015, and due deliberation having been had thereon,

It is ordered that the motion 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 October 6, 2015.

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

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

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

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

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

Leatrice B.,
Respondent-Appellant,

M-4278
Docket No. B-20941/11

Jamie R.,
Respondent-Appellant.

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

-----X

Petitioner-respondent SCO Family Services having moved for
dismissal of the appeal taken from the order of the Family Court,
New York County, entered on or about October 21, 2013,

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

It is ordered that the motion is denied as academic, the
appeal having been perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 6, 2015.

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

-----X
SRMOF II 2012-1 Trust, et al.,
Plaintiffs-Respondents,

-against-

M-3802
Index No. 381099/12

Mercy I. Tella, also known as
Mercy Tella,
Defendant-Appellant,

City of New York Environmental Control
Board, et al.,
Defendants.

-----X

An appeal having been taken by defendant-appellant from the
order of the Supreme Court, Bronx County, entered on or about
September 9, 2014,

And plaintiff-respondent having moved for an order striking
pages 141-207 of the appellate record, 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
adjourning the appeal to the January 2016 Term. 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 October 6, 2015.

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

-----X
Henry F. Owsley, III,
Plaintiff-Respondent,

-against-

M-3368
Index No. 350238/00

Danica Cordell-Reeh,
Defendant-Appellant.
-----X

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, entered on or about December 10, 2012 (mot. seq. nos. 017-018), June 17, 2013 (mot. seq. nos. 019-020) and September 12, 2013 (mot. seq. no. 022), respectively,

And an order of this Court having been entered on February 26, 2015 (M-258) having consolidated the appeal taken from the order of the Supreme Court, New York County, entered on or about December 10, 2014 with the aforesaid consolidated appeals, and enlarging the time to perfect same to the June 2015 Term, and otherwise denying the motion,

And defendant having moved to renew so much of the aforesaid motion to stay a certain action commenced by plaintiff, pending hearing and determination of the 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 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 October 6, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
David B. Saxe
Paul G. Feinman, Justices.

-----X
Michael A. Knopf, et al.,
Plaintiffs-Appellants,

-against-

Michael Hayden Sanford, et al.,
Defendants-Respondents.

M-3726
Index Nos. 113227/09
15074/11

-----X

Plaintiffs-appellants having moved for reargument of (or, in the alternative, for leave to appeal to the Court of Appeals) the decision and order of this Court entered on July 2, 2015 (Appeal No. 15613),

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, upon reargument, the decision and order of this Court entered on July 2, 2015 (Appeal No. 15613) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 15613, decided simultaneously herewith.) The portion of the motion seeking leave to appeal to the Court of Appeals is denied as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2015.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2431
Ind. Nos. 86/05
5224/07

Maleek Jones, also known as Jermaine
Stroman,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 8, 2012 (Appeal No. 8449), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on April 12, 2005,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

Stephane Cosman Connery, et al.,
Plaintiffs-Respondents,

-against-

M-3105
Index No. 401336/05

Burton S. Sultan,
Defendant-Appellant.

-----X

Defendant-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 June 4, 2015 (Appeal No. 15317),

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 October 6, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-912
Ind. No. 2207/07

Mohan Kowlessar,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 1, 2011 (Appeal No. 4226), unanimously affirming a judgment of the Supreme Court, New York County (John W. Carter, J.), rendered on March 19, 2009,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 6, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In re Arlene Williams,
Petitioner,

-against-

M-3665
Index No. 100189/14

New York City Housing
Authority, et al.,
Respondents.
-----X

Petitioner, pro se, having moved for leave to appeal to
the Court of Appeals from the decision and order of this Court
entered on July 2, 2015 (Appeal No. 15589),

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 October 6, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

Karon B. Porter,
Plaintiff-Appellant,

-against-

M-2634
Index No. 104271/06

The City of New York, 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 May 7, 2015 (Appeal No. 15039),

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 October 6, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

1424 Milestone Road, LLC,
Petitioner-Respondent,

-against-

M-2979
Index No. 156438/14

James B. Fairchild, LLC, et al.,
Defendants-Appellants,

Christine Borelli, Individually,
Defendant.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 10, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated June 29, 2015, and due deliberation having been had thereon,

It is ordered that the motion is 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 October 6, 2015.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Manuel Martinez,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-3177**
of the Civil Practice Law and Rules, Index No. 401061/13

-against-

District Attorney of the County
of New York and the New York City
Police Department,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 15, 2015,

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

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

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

Richard M. Weinstein, Esq., 1133 Broadway, Suite 708, New York, NY 10010-8065, Telephone No. (212) 330-7623, 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 October 6, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Joseph A. Castelluccio, Jr.,
Plaintiff-Respondent-Appellant,

-against-

M-3677A

Index No. 652964/14

J.V.B. Financial Group, LLC,
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 April 3, 2015,

And defendant-appellant-respondent having moved for an order dismissing plaintiff-respondent's cross appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 24, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation. The order of this Court entered on September 15, 2015 (M-3677) is hereby recalled and 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 October 6, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Michael Todres, As Executor of the
Estate of Sandra Carter Collyer,
Plaintiff-Respondent-Appellant,

-against-

M-4031
Index No. 108934/10

W7879, LLC, et al.,
Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about November 10, 2014, and the direct appeal having been perfected,

And plaintiff-respondent-appellant having moved for leave to file a supplemental appendix in connection with 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 permitting plaintiff-respondent-appellant leave to file a supplemental appendix containing "exhibit E" to the moving papers at plaintiff-respondent-appellant's own expense, and the motion is otherwise denied. Sua sponte, movant's counsel is directed to file an original and 8 copies of a letter advising the Court of the parties' agreement with respect to the money judgment credit, and the appeal is adjourned to the February 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3739
Ind. No. 5412/12

David L. Jamison,
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 July 21, 2015, 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, 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

-against-

M-3795
Ind. No. 2035/10

Christopher Ezell,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 28, 2014, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 9, 2015 for the January 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 October 6, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x

In the Matter of a UIFSA Proceeding.

Cayra M. M., et al.,
Petitioners-Respondents,

-against-

M-3907
Docket No. U-4116/13

Fotis B.,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about July 23, 2015,

And respondent-appellant having moved to stay the Order of Filiation, and any proceeding thereon, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of staying the order only to the extent it pertains to paternity, and denying to the extent it pertains to child support obligations, on condition the appeal is perfected for the January 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Edward Zhu and Warren Donner,
Plaintiffs-Appellants,

-against-

M-3850
Index No. 160833/13

Banker Life Insurance Company of
New York, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of
time to perfect the appeal from the orders of the Supreme Court,
New York County, both entered on or about August 15, 2014 (mot.
seq. nos. 001-002),

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the January 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Nancy Wallach,
Plaintiff-Appellant,

-against-

M-3308
Index No. 100158/03

The City of New York Department
of Parks and Recreation, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, 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 18, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Aleyanesh Sebhat,
Plaintiff-Respondent,

-against-

M-3209

Index No. 301202/08

MTA New York City Transit Authority,
also known as New York Transit
Authority,
Defendant-Appellant.

-----X

Defendant-Appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about May 6, 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 January 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Huseyin Erkan and Emine Erkan,
Plaintiffs-Appellants,

-against-

M-3412
Index No. 151961/14

McDonald's Corporation, et al.,
Defendants-Respondent.

-----X

(And other actions)

-----X

Plaintiff-appellants having moved for a stay of all discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 28, 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

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

Robin Watson,
Petitioner-Appellant,

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

M-3870
Index No. 400382/13

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X
An appeal having been taken from the order and judgment
(one paper) of the Supreme Court, New York County, entered on or
about November 20, 2013,

And petitioner-appellant having moved to reinstate a
purported stay of eviction, for poor person relief and for an
enlargement of time to perfect the aforesaid appeal, and related
relief,

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

It is ordered that the motion is denied.

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 October 6, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
Sonero Pichardo, as Administrator of
the Estate of Leaquina Pichardo,

Plaintiff-Respondent,

-against-

M-3977
Index No. 306975/11

St. Barnabas Nursing Home, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 23, 2015, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Marilyn Hopemen,
Petitioner-Appellant,

-against-

M-3706
Index No. 570098/14

Eric A. Seiff,
Respondent-Appellant.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, and for leave to appeal to appeal to this Court, from the order of the Civil Court, New York County, (Robert R. Reed, J.) entered on or about April 23, 2013,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Anthony J. DeCintio, individually
and as Administrator of the Estate
of Marie DeCintio, Deceased, and
Anthony Vincent DeCintio,
Plaintiffs-Appellants,

M-3862

M-3931

Index No. 20837/98

-against-

Lawrence Hospital, et al.,
Defendants,

Robert Roe, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 16, 2014, and said appeal having been perfected,

And defendant-respondent, Robert Roe, M.D., having moved to dismiss the appeal, or in the alternative, directing plaintiff to file a supplemental record on appeal; and enlarging the time to file a respondent's brief (M-3862),

And defendant-respondent, Ronald Silverman, M.D., having moved to dismiss plaintiff's appeal, or in the alternative, to compel plaintiff to serve and file a supplemental record on appeal (M-3931),

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

Ordered that both motions are granted to the extent of directing defendants-respondents Rose and Silverman to file, jointly, a searchable PDF copy of a supplemental appendix containing all of a supplemental appendix containing all of the

documents submitted in digital form to Supreme Court pursuant to the IAS 6 Med Mal Part Rules (affirmation in support of M-3862, Ex. F.); directing each of the defendants-respondents to annex to each of their respondents' briefs an Addendum consisting of the judgment of the Supreme Court entered on or about June 5, 2014 (see the order of this Court dated April 14, 2015, M-1007); and directing defendant-respondent Silverman to annex to his respondent's brief a Second Addendum consisting of the document annexed to the affirmation in support of M-3931 as Exhibit A. Sua sponte, the appeal is adjourned to the February 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 October 6, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Cheryl Douglas,
Plaintiff-Appellant,

-against-

M-3210
Index No. 18021/07

Consolidated Edison Company of
New York, Inc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time
to perfect the appeal from the order of the Supreme Court, Bronx
County, entered on or about April 4, 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 January 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 October 6, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x
The State of New York ex rel.
John T. Murray,

Plaintiff-Appellant,

-against-

M-3572
Index No. 102550/12

Mary Kennedy Baumslag, as Executor of
the Estate of Gilbert Baumslag,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 15, 2014, and said appeal having been perfected,

And defendant-respondent having moved for an order enlarging the record on appeal, and for adjournment of said 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 maintaining the appeal on this Court's calendar for the November 2015 Term, and the motion is otherwise denied, without prejudice to an application in Supreme Court to settle the record which is subject of this appeal.

ENTER:


CLERK

ORDER CORRECTED ON OCTOBER 9, 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on **October 6, 2015**.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
In the Matter of the Application of
Yim Toy Eng,
Petitioner,

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

M-3174
M-3533
Index No. 100471/14

-against-

John B. Rhea, as Chairman of the
New York City Housing Authority,
Respondent.

-----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 August 13, 2014, to review a determination of respondent,

And respondent having moved to dismiss the proceeding for failure to timely perfect (M-3174),

And petitioner having cross-moved for an enlargement of time to perfect the aforesaid proceeding (M-3533),

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 is granted to the extent of dismissing the aforesaid proceeding unless perfected for the December 2015 Term (M-3174). The cross motion is granted to the extent of enlarging the time to perfect the proceeding to the **February 2016 Term** (M-3533).

ENTER:


CLERK

P.M. ORDERS
FOR
OCTOBER 6, 2015

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2015.

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

-----X

Ronald Sayles, individually and as
the Executor of the Estate of
William F. Sayles,
Plaintiff,

M-4248

Index No. 654336/13

-against-

Penny Ferone, individually and as
the Executor of the Estate of
Michael Ferone,
Defendant.

-----X

Penny Ferone,
Third-Party Plaintiff-Respondent,

-against-

Alan Drezin, Esq.,
Third-Party Defendant-Appellant.

-----X

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

And third-party defendant-appellant having moved for an order approving the record on appeal in its current form, or in the alternative, for leave to file a supplemental record on 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 third-party defendant-appellant to file a supplemental record on appeal consisting of the entire minutes of oral argument to which the order on appeal refers for the February 2016 Term, to which Term the perfected appeal is adjourned.

ENTER:


CLERK