

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Paul G. Feinman
Troy K. Webber, Justices.

-----X

Israel Rivera,
Plaintiff-Appellant,

-against-

M-6271
Index No. 302235/13

Federal Home Loan Mortgage Corp. also
known as Freddie Mac, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about May 21, 2015,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
Skanska USA Building Inc.,
Plaintiff-Appellant-Respondent,

-against-

Atlantic Yards B2 Owner, LLC, et al., M-6042
Defendants-Respondents-Appellants, M-6232
Index No. 652680/14
ABC Companies, LLC, et al.,
Defendants.

- - - - -
Associated General Contractors of NYS, LLC,
Amicus Curiae.

-----X

Plaintiff-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 20, 2016 (Appeal Nos. 1352-1353) [M-6042],

And, Associated General Contractors of NYS, LLC, having moved to file a brief amicus curiae in support of said motion [M-6232],

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 appeal to the Court of Appeals [M-6042] is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified the order of the Supreme Court, on the law, to the extent of denying defendants motion to dismiss a certain subpart of the first cause of action and granting their motion to dismiss the third cause of action properly made?"

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

It is further ordered that the motion by Associated General Contractors of NYS, LLC for leave to file an amicus curiae brief is granted to the extent of permitting movant to file 8 copies of the brief as amicus curiae forthwith [M-6232].

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Ellen Gesmer, Justices.

-----X

Tanya Lapsley-Cockett, et al.,
Plaintiffs-Respondents,

-against-

Metropolitan Transit Authority,
Defendant,

M-6034

Index No. 451341/13

New York City Transit Authority,
Defendant-Appellant.

-----X

Defendant-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 October 20, 2016 (Appeal Nos. 1750-1750A),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
Murray Energy Corporation,
Petitioner-Respondent,

SEALED

For an Order Pursuant to Section 3102(c)
of the Civil Practice Law and Rules to
Compel Pre-Action Disclosure from:

M-194
Index No. 157797/16

Reorg Research, Inc.,
Respondent-Appellant,

of the Identities of the Defendants
JOHN DOES 1-10, being unknown to
Petitioner, in an Action to be
Commenced.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 15, 2016,

And, respondent-appellant having moved to stay the disclosure order pending determination of the appeal,

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

(M-194)

-2-

March 2, 2017

Ordered that the motion is denied; and the interim relief granted by order of a Justice of this Court, dated January 12, 2017, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber
Marcy L. Kahn, Justices.

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

-against- M-339
Ind. No. 700/15

Clete Birkett,
Defendant-Appellant.

-----X

Defendant having moved 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 18, 2017, 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, with 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 March 2, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Unitrin Advantage Insurance Company,
Plaintiff-Respondent,

-against-

M-6598
Index No. 158933/13

AC Acupuncture Pain Management, P.C.,
et al.,
Defendants,

Longevity Medical Supply, Inc.,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 13, 2016,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Frank G. D'Esposito, Esq., of counsel to defendant, Longevity Medical Supply, Inc., dated January 9, 2017, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent that the appeal 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 March 2, 2017.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Michael J.,
Petitioner,

-against-

Noemi G.,
Respondent.

CONFIDENTIAL

M-6311
Docket Nos. V-24815/15
V-17004/15

-----X

Respondent Noemi G. having moved for leave to appeal to this Court from the order of the Family Court, Bronx County, entered on or about December 5, 2016, and for a stay of the aforesaid order pending hearing and determination of the appeal,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Kerry Mangum,
Plaintiff-Appellant,

-against-

M-59
Index No. 310472/08

500 Brush, LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 14, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Peter Arnold, et al.,
Plaintiffs-Respondents,

-against-

M-6425
Index No. 158541/13

4-6 Bleecker Street LLC, et al.,
Defendants-Appellants.

-----X

Defendants-appellants 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 October 21, 2015, as amended by an order entered on or about November 18, 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 September 2017 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 March 2, 2017.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Elsie Rosa and Elsie Ortiz,
Plaintiffs-Respondents,

-against-

M-6519
Index No. 150672/13

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

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about February 23, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Isidoros Pantelaros,
Plaintiff-Respondent,

-against-

M-389X
Index No. 103602/10

Structure Tone, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2016,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" January 23, 2017, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Peter Tom,
David Friedman
Paul G. Feinman
Marcy L. Kahn,

Justice Presiding,

Justices.

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

Respondent,

-against-

M-5579
Ind. No. 3456/05

Dewayne Afflick,

Defendant-Appellant.

-----X

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2006, as abandoned,

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, sua sponte, poor person relief is granted to defendant to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Peter Tom,	Justice Presiding,
David Friedman	
John W. Sweeny, Jr.	
Rolando T. Acosta	
Dianne T. Renwick,	Justices.

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

Respondent,

-against-

M-6312
Ind. No. 725/15

Wesley Rodriguez,

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 March 22, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-5290
Ind. No. 593/09

Gaetano D'Attore,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County (Mullen, J.), rendered on or about July 1, 2010 and from a judgment of **resentence**, rendered on or about February 28, 2011,

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, as premature, inasmuch as the perfected appeal is presently calendared for the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-6354
Ind. Nos. 5491/94
Yesenia Ulerio, 4091N/02
Defendant.

-----X

A judgment of the Supreme Court, New York County, having been rendered on or about July 12, 1994,

And, an order of this Court having been entered January 5, 2011 (M-4815) denying defendant leave to appeal to this Court from an order, same Court, which denied defendant's motion to vacate the July 12, 1994 judgment of conviction, pursuant to CPL 440.10,

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 trial counsel, and for related relief,

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

It is ordered that the application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-5297
Ind. No. 934/13

Randy Almonte,

Defendant.

-----X
A judgment of the Supreme Court, Bronx County (William Mogulescu, J.), having been rendered on or about February 27, 2015,

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

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

It is ordered that the application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Peter Tom,
David Friedman
Paul G. Feinman
Marcy L. Kahn,

Justice Presiding,

Justices.

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

Respondent,

-against-

M-5674A

Ind. No. 3555/13

Bernardita Fermin,

Defendant-Appellant.

-----X

Defendant-appellant, through retained counsel, having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 3, 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 June 2017 Term. (The order of this Court, entered on February 7, 2017 [M-5674], 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 March 2, 2017.

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

-----X

Raul Marquez,
Plaintiff-Respondent,

-against-

171 Tenants Corp.,
Defendant-Appellant,

M-180
Index No. 106616/11

David Kleinberg Levin and Kenneth
Cook,
Defendants-Respondents.

-----X

Kenneth Cook,
Third-Party Plaintiff-Respondent,

-against-

Museum Quality Properties, LLC,
doing business as MQ Restoration
Corp. and Philip J. Farley,
Third-Party Defendants.

-----X

Kenneth Cook,
Second Third-Party Plaintiff-
Respondent,

-against-

Philip J. Farley and Museum Qualities
Properties, LLC, doing business as
MQ Restoration Corp.,
Second Third-Party Defendants.

-----X

-----X
171 Tenants Corp.,
Third Third-Party Plaintiff-
Appellant,

-against-

Cynthia Cook,
Third-Third-Party Defendant-
Respondent.
-----X

Defendant-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 July 8, 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 September 2017 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 March 2, 2017.

PRESENT : Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Ellen Gesmer, Justices.

-----X
JPMC Specialty Mortgage LLC,
Plaintiff-Respondent,

-against-

M-6650
Index No. 380356/13

Gary Khan,
Defendant-Appellant,

Howard Brandstein, et al.,
Defendants.

-----X

Defendant-appellant, pro se, Gary Kahn having moved for an enlargement of time to perfect the consolidated appeals taken from the orders of the Supreme Court, Bronx County, entered on or about April 10, 2015, June 9, 2015 and December 29, 2015, respectively, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Ellen Gesmer, Justices.

-----X
Lindsey Green,

Plaintiff-Respondent,

-against-

M-6590
Index No. 301184/12

Megan Zarella, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 19, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Carlos Gonzalez, et al.,
Plaintiffs-Respondents,

-against-

Vicki L. Been, etc., et al.,
Defendants,

M-80

Index No. 653242/14

Board of Directors and Officers of
Lindsay Park Housing Corp., et al.,
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court, entered on December 1, 2016 (Appeal No. 2353),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present:	Hon. Peter Tom,	Justice Presiding,
	John W. Sweeny, Jr.	
	Dianne T. Renwick	
	Barbara R. Kapnick	
	Marcy L. Kahn,	Justices.

-----X

Mark Robert Gordon,
Plaintiff-Appellant,

M-206

-against-

Index No. 157456/13

Rol Realty Company, Err Agency,
and Shmuel Bergstein,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 31, 2014 and on or about April 20, 2015, and said appeals having been perfected,

And, defendants-respondents having moved to dismiss the appeal taken from the order entered on or about April 20 2015 and to strike plaintiff's appellate brief or, in the alternative, to adjourn the aforesaid perfected 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 to dismiss the appeal is denied without prejudice to raising the issue in the defendants-respondents' brief. So much of the motion which seeks an

(M-206)

-2-

March 2, 2017

adjournment of the appeal is denied as unnecessary; and that branch of the motion which seeks to strike plaintiff's brief is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on March 2, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Billy Green, Jr.,
Plaintiff-Respondent,

-against-

Simon Property Group, et al.,
Defendants.

M-347
M-810
Index No. 157104/15

-----X
E.W. Howell, Co., LLC,
Third-Party Plaintiff-
Respondent,

-against-

Metropolitan Construction Systems,
Inc.,
Third-Party Defendant-Appellant.

-----X
Simon Property Group, Inc, Simon
Property Group, L.P., and The Retail
Property Trust,
Second Third-Party Plaintiffs-
Respondents,

-against-

Metropolitan Construction Systems,
Inc.,
Second Third-Party Defendant-
Appellant.

-----X

-----X
American Multi-Cinema, Inc.,
Third Third-Party Plaintiffs-
Respondents,

-against-

Metropolitan Construction Systems,
Inc.,
Third Third-Party Defendant-
Appellant.
-----X

An appeal having been taken by third-party defendant-appellant, Metropolitan Construction Systems, Inc., from an order of the Supreme Court, New York County, entered on or about January 5, 2017, and said appeal having been perfected,

And, third-party defendant-appellant having moved to stay enforcement of the aforesaid order pending determination of the appeal (M-347),

And, plaintiff-respondent having cross-moved to sever the third-party actions from the main action in the event that this Court imposes a stay during pendency of the appeal (M-810),

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 for a stay is granted pending disposition of the appeal (M-347). The cross motion is denied in its entirety (M-810).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. David Friedman,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer,

Justice Presiding,

Justices.

-----X

In the Matter of
345 West 70th Tenants Corp.,
Petitioner,

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

-against-

M-6262
Index No. 100776/14

New York City Environmental Control
Board, et al.,
Respondents.

-----X

Respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 27, 2016 (Appeal No. 2072),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Aaron Elkin,
Plaintiff-Appellant-Respondent,

-against-

Andrea Labis,
Defendant-Respondent-Appellant.

-----X

M-6601
M-195
Index No. 105411/08

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 24, 2015,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect his appeal taken from the aforesaid order (M-6601),

And defendant-respondent-appellant having cross moved for an enlargement of time to perfect her cross appeal taken from the aforesaid order (M-195),

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 September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias, Justices.

-----X

Ana Tzarev, New York LLC and 24 West
57 APF LLC,
Plaintiffs-Appellants,

M-6259
Index No. 112529/11

-against-

Nova Casualty Company, et al.,
Defendants-Respondents.

-----X

(And a third-party action)

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 15, 2015,

And, plaintiffs-appellants having moved for an enlargement of time to perfect their 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 appeals to the September 2017 Term, with leave to seek additional enlargements if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Pedro Cardenas,
Plaintiff-Respondent,

-against-

M-6348
Index No. 154591/13

GM Glass & Mirror, Inc.,
Defendant-Appellant,

Somerset Partners, LLC, et al.,
Defendants-Respondents.
-----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 August 21, 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 September 2017 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 March 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

-----X

NAACP New York State Conference
Metropolitan Council of Branches,
Plaintiff-Respondent,

-against-

Philips Electronics North America
Corporation, Konikluke Philips N.V.,
NTT Data, Inc., Recall Holdings Limited,
Recall Total Information Management,
Inc., Advance Tech Pest Control, and
Does 1-100,
Defendants,

M-697
M-851
Index No. 156382/15

Monster Worldwide, Inc., ZipRecruiter,
Inc., Indeed, Inc.,
Joined Defendants-Appellants,

Public Advocate for the City of New York,
The Fortune Society, National Employment
Law Project and Youth Represent,
Proposed Amici Curiae.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 8, 2016, and said appeal having been perfected,

And, Public Advocate for the City of New York, having moved for leave to file a brief to appear amicus curiae in connection with the aforesaid appeal (M-697),

And, The Fortune Society, National Employment Law Project and Youth Represent, having moved for the same relief (M-851)

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 and the amicus curiae briefs submitted 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 March 2, 2017.

Present - Hon. David Friedman,	Justice Presiding,
Dianne T. Renwick	
Paul G. Feinman	
Judith J. Gische	
Barbara R. Kapnick,	Justices.

-----X

17 East 96th Street Owners Corp.,
Plaintiff-Appellant,

-against-

M-6197

Index No. 108695/04

Madison 96th Street Associates, LLC,
Defendant-Respondent,

21 East 96th Street Condominium,
Defendant.

-----X

(And a Third-Party Action)

-----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 November 3, 2016 (Appeal No. 2145N),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6554

Ind. Nos. 985/15

Stella Mednik, also known as

5579/14

Stella Aminov, also known as

5082/15

Stella Mengik,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 22, 2016, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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

Ordered that the motion is granted to the extent of amending defendant's notice of appeal and the aforementioned

order of assignment of this Court entered November 1, 2016 (M-4067), to include Indictment No. 991/14, and extending the poor person relief previously granted to cover same.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Raul Teano and Theodora Teano,

Plaintiffs-Respondents,

-against-

M-713
Index No. 158250/13

New York City Transit Authority,
et al.,

Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 23, 2016,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Joy Ifill-Colon and Roberto Colon,
Plaintiffs-Respondents-Appellants,

-against-

M-46
Index No. 300356/13

Baychester Payment Center, LLC and
Wink Check Cashing Corp.,
Defendants-Appellants-Respondents,

153 E. 149th Realty Corp. et al.,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 17, 2015,

And, plaintiffs-respondents-appellants having moved for an enlargement of time to perfect their cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the cross appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
The Madison Square Garden Company,
MSG Holdings, L.P., Turner Construction
Company, Simplexgrinnell LP,
Plaintiffs-Appellants,

-against-

Harleysville Insurance Company of
New York,
Defendant-Respondent.
-----X

M-79
Index No. 652522/13

Plaintiffs-appellants 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 March 26, 2015, and
for other relief,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the September 2017
Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Matter of Dulce Figueroa,
Plaintiff-Appellant,

-against-

M-6672
Index No. 309801/09

Skillman Realty Co.,
Defendant-Respondent.

-----X
Skillman Realty Co.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 84125/10

Brooks Brothers Inc., et al.,
Third-Party Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 23, 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 September 2017 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

- - - - -
Alissa E.,
Petitioner-Respondent,

CONFIDENTIAL

M-147

-against-

Docket No. F-15690-11/14A

Michael M.,
Respondent-Appellant.

-----X

Appeals having been taken from the orders of the Family Court, New York County, entered on or about April 29, 2016 and August 17, 2015, respectively,

And an order of this Court having been entered on August 18, 2016 (M-3103), inter alia, consolidating the aforesaid appeals,

And respondent-appellant having moved for an enlargement of time to perfect the consolidated appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X

In the Matter of

AAC Auto Service and Aristo Arteaga,
Petitioners-Respondents,

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

-against-

M-6589

Index No. 260997/14

New York State Department of Motor
Vehicles, Barbara J. Fiala, as
Commissioner of the New York State
Department of Motor Vehicles and
Deborah Dugan, Chairperson of the
Appeals Board of the New York State
Department of Motor Vehicles,
Respondents-Appellants,

-----X

Respondents-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about February 1, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X

Victor Martinez, individually and
as Administrator of the Estate of
Eridania Rodriguez, Deceased,
Denisse Figueroa, Ronnie Figueroa,
and Yaniris Figueroa,
Plaintiffs-Respondents,

-against-

M-6608
Index No. 117249/09

Record Trinity Associates, LLC.,
et al.,
Defendants-Respondents,

-and-

Classic Security,
Defendant-Appellant,

-----X

Classic Security,
Third-Party Plaintiff-Appellant,

-against-

Joseph Pabon,
Third-Party Defendant.

-----X

Defendant/third-party plaintiff-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 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 granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Nesconset ZJ 1 LLC, et al.,
Plaintiffs-Respondents,

-against-

M-6649
Index No. 652719/15

Nesconset Acquisition, LLC, et al.,
Defendants-Counterclaim
Plaintiffs-Appellants,

Nesconset ZJ 1 LLC, et al.,
Counterclaim Defendants.

-----X

Defendants-counterclaim plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about March 10, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

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

-----X

In re Royce Corley,
Petitioner-Appellant,

-against-

M-6463

Index No. 250636/14

New York City Department of Corrections,
et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 1, 2016 (Appeal No. 2097),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

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

George Washington Bridge Bus Station
Development Venture, LLC,
Petitioner-Respondent,

M-853
Index No. 150549/16

-against-

Associated Specialty Contracting, Inc.,
Respondent-Appellant.

The Port Authority of New York and
New Jersey,
Independent Intervener-Respondent.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2016, and said appeal having been perfected,

And, the Port Authority of New York and New Jersey having moved for leave to intervene as an intervener on the appeal,

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

It is ordered that the motion is granted and the amicus curiae brief filed by the Port Authority on January 24, 2017, is deemed to be the Port Authority's brief as an intervener-respondent.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

-against-

M-6279
Ind. No. 804/14

Kurt Francisco,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 11, 2015,

And, an order of this Court having been entered November 15, 2016 (M-4897) having deemed the appeal withdrawn,

And, defendant-appellant having moved for an order reinstating 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Louis M. Atlas,
Plaintiff-Respondent,

-against-

M-798
Index No. 301091/06

Frances Smily,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 26, 2017,

And, defendant-appellant having moved to stay enforcement of a certain order dated May 4, 2016, pending 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Swiss Re Financial Services, Corp.,
Petitioner-Respondent,

-against-

M-6595
Index No. 155741/13

Michelle Lynn McGuirk,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reconsideration of this Court's order, entered on November 22, 2016 (M-4729), which dismissed respondent-appellants's appeals taken from the orders of the Supreme Court, New York County, entered on or about July 11, 2013, September 19, 2013 and December 3, 2013, respectively,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Robert Seigel,
Plaintiff-Appellant,

M-6517

M-6514

-against-

Index No. 154934/15

The Dakota, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved, by separate motions, for reargument of the decision and order of this Court, entered on November 22, 2016 (Appeal Nos. 2252-2252A-2252D) [M-6517], and for leave to appeal to the Court of Appeals from said decision and order of this Court, entered November 22, 2016 (Appeal Nos. 2252-2252A-2252D) [M-6514],

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

It is ordered that the motions are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 2, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Paul G. Feinman
Troy K. Webber, Justices.

-----X

In the Matter of the Application of
Nancy Bartosiewicz and Albert Bartosiewicz
Petitioner-Appellants,

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

M-6166
Index No. 100407/14

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 8, 2016, for failure to timely prosecute,

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

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

ENTER:


CLERK

✓

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-6525
Ind. No. 6488/03

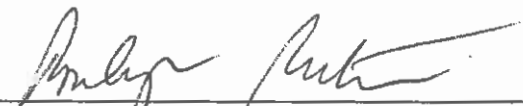
-against-

CERTIFICATE
DENYING LEAVE

Rodney David,

Defendant.

-----X
I, Rosalyn H. Richter, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon the
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law Section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the order of the Supreme Court, New York County,
entered on or about October 11, 2016 is hereby denied.



Hon. Rosalyn H. Richter

Dated: January 27, 2017
New York, New York

ENTERED: MAR 02 2017

✓

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

M-210
Ind. No. 3606/09

-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Durville Small,
Defendant-Appellant.

-----X

I, Troy K. Webber, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein¹ questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is ORDERED, that permission be, and it hereby is granted to the above-named appellant to appeal to the Court of Appeals.

Dated: January 31, 2017
New York, New York

ENTERED

MAR 02 2017

Hon. Troy K. Webber
Associate Justice

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

¹Description of Order:

12/21/2011

Sup. Ct. Bronx Co.

Revd. 12/8/2016

App. Div. 1st Dept.
Appeal No. 1790

✓

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

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-261
Indictment No.
6348/03

-against-

CERTIFICATE
DENYING LEAVE

Trevor Frederick,
Defendant.
-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Hon. Ronald A. Zweibel), entered on or about December 2, 2016, is hereby denied.



Associate Justice

Dated: February 10, 2017
New York, New York

ENTERED: **MAR 02 2017**

✓

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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


M-6149
Ind. No. 6065/08

-against-

CERTIFICATE
DENYING LEAVE

Andre Evans,
Defendant.

-----X
I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 1, 2016 is hereby denied.


Associate Justice

Dated: February 1, 2017
New York, New York

ENTERED: MAR 02 2017

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 2, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Timothy Reif, et al.,
Plaintiffs-Respondents,

-against-

M-356

M-735

Index No. 161799/15

Richard Nagy, Richard Nagy Ltd.,
Artworks by the Artist Egon Schiele
known as Woman In a Black Pinafore
and Woman Hiding Her Face,
Defendants-Appellants.

-----X

ARIS Title Insurance Corporation,
Amicus Curiae.

-----X

Appeals having been taken from the orders of the Supreme
Court, New York County, entered on or about September 13, 2016,
and September 14, 2016, respectively,

And ARIS Title Insurance Corporation having moved for leave
to file a brief amicus curiae in connection with the aforesaid
appeal (M-356),

And plaintiffs-respondents having cross-moved for an order
dismissing the ARIS appeal taken from the September 14, 2016
order, and to deny ARIS' motion for leave to file a brief amicus
curiae,

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
directing ARIS to file nine copies of the amicus brief with this
Court forthwith (M-356),

Plaintiffs-respondents cross motion is denied in its entirety (M-735).

ENTER:

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

CLERK