

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 30, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische, Justices.

-----x

Ruth Kassover, as co-executor of  
The Estate of Nathan Kassover, and  
Philip Kassover, in his individual  
capacity,  
Plaintiffs-Appellants,

-against-

M-899

Index No. 602434/05

PVP-GCC Holdingco II, LLC, The Garden  
City Company, Inc., R. Peyton Gibson,  
Richard Sabella, and Prism Venture  
Partners, LLC,  
Defendants-Respondents.

-----x

Appeals having been taken from an order of the Supreme Court New York County, entered on or about September 25, 2013 and from a judgment of the same Court and Justice, entered on or about March 11, 2014, respectively, and said appeals having been perfected and calendared for the May 2017 Term,

And plaintiffs-appellants having moved for consolidation of the aforesaid appeal pending against the Sabella defendant with the appeal against the PVP-GCC Holdingco II, LLC; for leave to file a supplemental record consisting of certain documents dated August 3, 2016 and August 5, 2016 and an order of the U.S. Bankruptcy Court dated July 14, 2016; for permission to withdraw the brief previously filed against the Sabella defendant and for leave to file a new brief relative to both of the said defendants, and for said defendants to be directed to file a new and single brief on their behalf or, in the alternative, to increase the page limit on plaintiff's reply brief if PCP-GCC Holdingsco II, LLC is permitted to file a second, independent 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 enlarging plaintiffs' time to perfect their appeal from the order entered September 25, 2013 to the September 2017 Term, to which Term the perfected appeal is adjourned. The Clerk is directed to calendar both appeals to be heard on the same day of said Term, or any other Term to which they may be adjourned. Plaintiffs are directed to perfect the second appeal on a separate main brief and on a supplemental record consisting of the aforementioned documents dated August 3, 2016 and August 5, 2016, on or before July 10, 2017 for said September 2017 Term. Plaintiffs are granted leave to rely on the record filed in the perfected appeal, and to include, in their supplemental record, the order of the U.S. Bankruptcy Court dated July 14, 2016, of which this Court takes judicial notice. Defendant PVP-GCC Holdingco II, LLC is directed to file a respondent brief as to the appeal taken against it, if so advised, on or before August 9, 2017 for said September 2017 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 March 30, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Angela M. Mazzarelli  
Karla Moskowitz  
Ellen Gesmer, Justices.

-----X

Madison Avenue Diamonds LLC, et al.,  
Plaintiffs-Appellants,

-against-

KGK Jewelry LLC,  
Defendant-Respondent.

M-6213  
Index Nos. 159045/12  
654470/12

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 11, 2016 (Appeal Nos. 1859-1860-1861),

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 30, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

Carolyn Boone,  
Plaintiff-Appellant,

-against-

M-465  
Index No. 100726/14

JPMorgan Chase Bank, N.A.,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about November 20, 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 30, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-647**

Ind. Nos. 2445/16  
3527/15

Jose Rivera,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal taken from judgments of the Supreme Court, New York County, rendered on or about September 13, 2016 and from a judgment of **resentence** of said Court, rendered on or about September 22, 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 deeming the notice of appeal timely filed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

Nijo Mills,  
Claimant-Appellant,

-against-

City University of New York,  
Respondent-Respondent.

Court of Claims  
M-871  
Claim No. 128405

-----X

Claimant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the New York State Court of Claims, entered on or about January 11, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 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 Adoption of  
a Child Whose First Name is

Eliyahu,  
-----  
Nekadam Y.,  
Petitioner-Appellant,

-against-

David B. and Jennifer B.,  
Respondents-Respondents.  
-----

Anne Reiniger, Esq.,  
Attorney for the Child.  
-----X

**CONFIDENTIAL**  
Surrogate's Court  
M-641  
File No. 178/10

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about November 29, 2016,

And respondents having moved to dismiss the aforesaid appeal, to enjoin appellant from bringing further frivolous actions, 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 dismissing the appeal unless perfected for the September 2017 Term and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

Yvette Martinez,  
Plaintiff-Respondent,

-against-

M-804  
Index No. 300995/07

Metropolitan Transit Authority,  
MASBSTOA, New York City Transit  
Authority,  
Defendants-Appellants,

"John Doe",  
Defendant.

-----X

Defendants-appellants, having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about April 11, 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 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
Gary Gordon and Vinessa Gordon,  
also known as Vanessa Gordon,  
Plaintiffs-Appellants,

-against-

M-712  
Index No. 155715/12

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

Plaintiffs-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 April 11, 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 October 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 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
Victoria Bombe,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-895  
of the Civil Practice Law and Rules, Index No. 100086/16

-against-

Pace University,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about May 26, 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 October 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 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

Ramon Dominguez,  
Plaintiff-Appellant,

-against-

Barsalin, LLC, et al.,  
Defendants-Respondents.

M-452

-----X

Index No. 161738/14

Barsalin, LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

C & S Home Builders, Inc.,  
Third-Party Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 3, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 30, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X

Angela M.-C.,  
Plaintiff-Appellant,

-against-

William L. C.,  
Defendant-Respondent.

-----X

**CONFIDENTIAL**

M-5718

Index No. 76236/13

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the orders of the Supreme Court, Bronx County, entered on or about November 3, 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 and the interim relief granted by an order of a Justice of this Court, dated December 12, 2016, is hereby vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X

Rogoff Enterprises, Ltd.,  
Plaintiff-Respondent,

-against-

M-150

M-385

Index No. 652611/13

Paul Biase,  
Defendant-Appellant.

-----X

Plaintiff-respondent, having moved for dismissal of the purported appeal taken from an order of the Supreme Court, New York County, entered on or about November 15, 2016, and for the imposition of sanctions (M-150),

And defendant-appellant having cross-moved in opposition to dismiss the purported appeal, and for CPLR 5704(a) relief (M-385),

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 purported appeal (M-150). The cross motion is denied in its entirety (M-385).

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 30, 2017.

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

-----X  
David Sobota and Agata Sobota,  
Plaintiffs-Respondents,

-against-

**M-1089X**  
Index No. 400264/13

The New York City Transit Authority,  
et al.,  
Defendants-Appellants  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 11, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 28, 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 30, 2017.

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

-----X  
Vibeke Steineger,  
Plaintiff-Respondent,

-against-

M-1168X  
Index No. 306803/12

Paul Perkins,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 29, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 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 30, 2017.

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

-----X  
Bender Burrows & Rosenthal, LLP,  
Plaintiff-Respondent,

-against-

M-1171X  
Index No. 100358/06

Amy E. Simon,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about September 29, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 2, 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 30, 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-603  
Ind. No. 2492/15

Carlos Colon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 23, 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. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 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-739  
Ind. No. 2605/16

Jamie Pugh,  
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 December 13, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 30, 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-832  
Ind. No. 4086N/16

Lucille Leudesdorf,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 17, 2017, 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. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on March 30, 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,

**M-986**

-against-

Ind. No. 1668/00

Mario Sabino,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 12, 2016, 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 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, NY 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 30, 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,

**CONFIDENTIAL**

**M-839**

-against-

Ind. No. 3234/73

Roberto R.,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, County (Alvarado, J.), entered on or about February 3, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-839)

-2-

March 30, 2017

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 30, 2017.

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

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

-against- M-686  
Ind. No. 5687/13  
Tearre Williams,  
Defendant-Appellant.

-----X

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

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

-----X  
In the Matter of

Issac C.,

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

**CONFIDENTIAL**

M-801

Docket No. NA-52968/15

- - - - -  
The Commissioner of Social Services  
of the City of New York,  
Petitioner-Appellant,

Christina C., Isom C., Anthony C.  
and Carla C.,  
Respondents-Respondents.

- - - - -  
Steven Banks, Esq.,  
Legal Aid Society,  
Attorney for the Child.

-----X

Respondent Christina C., having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about November 30, 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 unless said appeal is perfected for 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 30, 2017.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Angela M. Mazzarelli  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

Oxana M.,

Plaintiff-Respondent,

**CONFIDENTIAL**

**M-921**

-against-

Index No. 314802/13

Sergey N.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 26, 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 30, 2017.

PRESENT: Hon. Peter Tom,  
Rolando T. Acosta  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer,

Justice Presiding,

Justices.

-----X  
Jian-Guo Yu and Hui-Di Tu,  
Plaintiffs,

-against-

Greenway Mews Realty L.L.C., et al.,  
Defendants.

M-890  
Index No. 116885/05

-----X  
Greenway Mews Realty L.L.C.  
and Little Rest Twelve, Inc.,  
Third-Party Plaintiffs-  
Respondents,

-against-

UAD Group,  
Third-Party Defendant-Appellant.  
-----X

Third-Party  
Index No. 590639/10

Third-party defendant-appellant UAD Group, 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 30, 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 30, 2017.

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

-----X  
Lukasz Gottwald, presently known as,  
Dr. Luke, Kasz Money, Inc. and  
Prescription Songs, LLC,  
Plaintiffs-Respondents,

-against-

Kesha Rose Sebert, presently known as  
Kesha, M-727  
Defendant-Appellant. Index No. 653118/14

-----X  
Kesha Rose Sebert, presently known as  
Kesha,  
Counterclaim Plaintiff-Appellant,

-against-

Lukasz Gottwald, presently known as  
Dr. Luke, Kasz Money, Inc.,  
Prescription Songs, LLC, Kemosabe  
Records, LLC, Kemosabe Entertainment,  
LLC, Sony Music Entertainment, and  
Does 1-25, inclusive,  
Counterclaim Defendants-Respondents.  
-----X

Defendant/counterclaim plaintiff-appellant, having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 6, 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 30, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Wells Fargo Bank, National Association  
as Trustee for Securitized Asset Backed  
Receivables LLC 2005-FR4 Mortgage Pass  
Through Certificates, Series 2005-FR4,  
Plaintiffs-Appellants,

-against-

M-1045  
Index No. 35292/15E

Wakelyn Phillips, also known as  
Wakelyn W. Phillips; Ann Gaynor,  
also known as Ann Marie Gaynor,  
also known as Ann Marie Phillips,  
Defendants-Respondents,

-and-

Household Finance Realty Corporation  
of New York, et al.,  
Defendants.

-----X

Plaintiffs-appellants, 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 May 2, 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 30, 2017.

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

Justice Presiding,  
  
Justices.

-----X  
Tina Iyalla Maresca,  
Plaintiff-Appellant,

-against-

M-744  
Index No. 101950/15

Heidell, Pittoni, Murphy & Bach, LLP,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, 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, 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 30, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
Sallie Manzanet-Daniels, Justices.

-----X

Shahram Kohan,  
Plaintiff-Appellant,

-against-

M-994  
Index No. 104185/11

Behzad Nehmadi, also known as  
Ben Nehmadi, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 12, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 30, 2017.

Present: Hon. Peter Tom,  
David Friedman  
Angela M. Mazzairelli  
Barbara R. Kapnick  
Marcy L. Kahn,

Justice Presiding,

Justices.

-----X  
Hector Polanco,  
Plaintiff-Respondent-Appellant,  
-against-

Bronx 360 Realty LLC, T.U.C. Management  
Company, Inc.,  
Defendants-Respondents,

**M-919**  
Index No. 303568/11

Uplift Elevator Corp.,  
Defendant-Appellant-Respondent.  
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 27, 2015,

And, plaintiff-respondent-appellant having moved for an enlargement of time to perfect the appeal and 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 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 30, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Barbara R. Kapnick  
Marcy L. Kahn  
Troy K. Webber, Justices.

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

Rita Fisher, M-796  
Petitioner-Appellant, Index No. 101665/13

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

-against-

Darryl C. Townes, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 24, 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 October 2017 Term, with no further enlargement 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 30, 2017.

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

-----X

Cesar A. Benitez,  
Plaintiff-Respondent,

-against-

M-879

Index No. 300659/11

Church of St. Valentine Williamsbridge  
New York,  
Defendant-Appellant.

-----X

Church of St. Valentine Williamsbridge  
New York,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 84104/11

St. Thomas Syro-Malabar Catholic Diocese  
of Chicago in New York, et al.,  
Third-Party Defendants-Respondents.

-----X

Third-party plaintiff/defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 22, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 30, 2017.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-635**

-against-

Ind. Nos. 566/14  
3050/13

Brandon Senquiz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 2, 2016 (M-6175), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2014, under Indictment No. 566/14, and assigning counsel therefor,

And, defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 3050/13,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 566/14 and 3050/13, both rendered by Supreme Court, New York County, on or about December 16, 2014, and extending the poor person relief previously granted to cover same.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

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

-----X

Barklee 94 LLC,

Plaintiff-Appellant,

-against-

Augustus Oliver and Lisbeth Oliver,

Defendants-Respondents.

-----X

**M-678**

**M-889**

Index No. 100346/13

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 4, 2016, April 25, 2016 and October 31, 2016, respectively,

And, plaintiff-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same (M-678),

And, defendants having cross-moved to dismiss plaintiff's appeal taken from the order entered on or about April 4, 2016 (M-889),

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 plaintiff's motion to consolidate the aforesaid 3 appeals is granted to the extent of permitting plaintiff-appellant to prosecute said appeals upon 9 copies of one record and on one set of appellant's points covering said appeals, and the time to perfect said appeals is enlarged to on or before July 10, 2017 for the September 2017 Term (M-678). Defendants' cross motion to dismiss plaintiff's appeal taken from the order entered on or about April 4, 2016 is denied (M-889).

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 30, 2017.

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

-----X

Danielle Bitton, also known as  
Danielle Biton,  
Plaintiff,

-against-

H.S.B.C., Katherine Alexander, UFT,  
et al.,  
Defendants.

**M-473**

NY County Civil Court  
Index No. 7274/13  
NY County Clerk's  
Index No. 570543/16

-----X

An order of the Supreme Court, Appellate Term, First Department, having been entered on January 20, 2017, denying plaintiff's application for leave to appeal to this Court,

And, plaintiff having moved for poor person relief with respect to the aforesaid order, and for related relief,

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

It is ordered that the motion is denied, without prejudice to renew, upon a timely filed motion for leave to appeal from the Appellate Term order.

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 30, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Wayne Charles,  
Plaintiff-Appellant,

-against-

M-604  
Index No. 100117/16

Levitt & Kaizer, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having renewed his motion for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about September 21, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
Sallie Manzanet-Daniels, Justices.

-----X  
James Brady,  
Claimant-Appellant,

-against-

M-1120  
Claim No. 126268

The Office of the New York Attorney General, The New York Commission on Judicial Conduct, The Office of Governor Andrew Cuomo and The State of New York,  
Respondents-Respondents.

-----X

Claimant-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from an order of the Court of Claims, New York State, entered on or about February 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 October 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 30, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Caryl S. S.,  
Petitioner-Respondent,

For the Appointment of a Guardian  
for the Person and/or Property of

Valerie L. S.,

An Alleged Incapacitated Person,  
Respondent.

- - - - -  
Kenneth W. S.,  
Cross/Petitioner-Appellant.

-----X

**CONFIDENTIAL**

M-907

Index No. 91809/14

Cross/petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about June 25, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 30, 2017.

PRESENT - Hon. David Friedman,  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber,

Justice Presiding,

Justices.

-----X

233 E. 5<sup>th</sup> St. LLC,  
Petitioner-Landlord-Respondent,

-against-

M-646

Index No. 570253/16

Craig Smith and Elise Stone,  
Respondents-Tenants-Appellants.

-----X

Respondents-tenants-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered on or about December 8, 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. 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 March 30, 2017.

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

-----X

The People of the State of New York,  
Respondent,

**M-659**

Ind. Nos. 3791/13  
2280/14  
3295/14

-against-

Ediberto Santana,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 14, 2016, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Seymour W. James, Jr., Esq., Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Tel. 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 30, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels, Justices.

-----X

Trust Mortgage, LLC,  
Plaintiff-Appellant,

-against-

M-864

Index No. 650699/15

Peter Andrews, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from orders of the Supreme Court, New York County, entered on or about December 1, 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 30, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Frank Merendino,  
Plaintiff,

-against-

M-942  
Index No. 154010/12

Costco Wholesale Corp., E.W. Howell  
Co., LLC, and Merendino Corp.,  
Defendants.

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

-against-

Third Party  
Index No. 590987/12

Merendino Corp.,  
Third-Party Defendant.

-----X  
Costco Wholesale Corporation,  
Fourth-Party Plaintiff,

-against-

Fourth-Party  
Index No. 590224/13

E. W. Howell Co., LLC, and Merendino  
Corp.,  
Fourth-Party Defendants.

-----X  
Costco Wholesale Corporation,  
Fifth-Party Plaintiff-Respondent,

-against-

Fifth-Party  
Index No. 595101/14

Starr Indemnity and Liability  
Company,  
Fifth-Party Defendant-Respondent,

Zurich American Insurance Company,  
Fifth-Party Defendant-Appellant.

-----X

Fifth-party 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 May 17, 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 October 2017 Term, with leave to seek further enlargements, if necessary.

ENTER:

  
CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

-----X  
Jesse Rosenblatt, as Administrator of,  
Throgs Neck Extended care  
Petitioner-Appellant,

M-6537

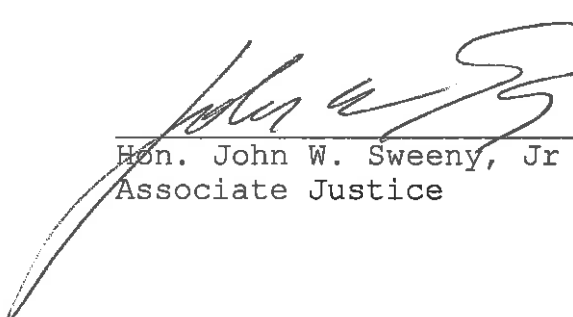
for the Appointment of a Guardian of the  
Property of Janet Rose Difisco, a/k/a Janet  
Rose Panarese, a/k/a Rose Difrisco,  
An Alleged Incapacitated Person

CERTIFICATE DENYING  
LEAVE

-----X  
Respondent having moved pursuant to CPLR § 5701(c) for leave  
to appeal to this Court from the interim order of the Supreme  
Court, Bronx County County, (Robert T. Johnson, J.), entered on or  
about November 17, 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.

  
\_\_\_\_\_  
Hon. John W. Sweeny, Jr  
Associate Justice

Dated: March 23, 2017  
New York, New York

Entered: **MAR 30 2017**

✓

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

-against-

Raul Gil-Rodriguez,

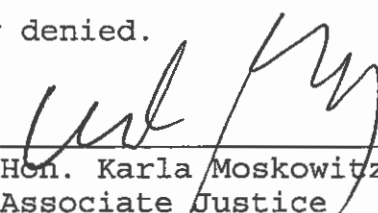
Defendant.

M-418  
Ind. No. 5995/09

CERTIFICATE  
DENYING LEAVE

-----X

I, Karla Moskowitz, 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, §§ 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 August 18, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated:

*March 9, 2017*  
New York, New York

ENTERED: MAR 30 2017

✓

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

M-5316  
Ind. No. 3463/03  
5958/03

-against-

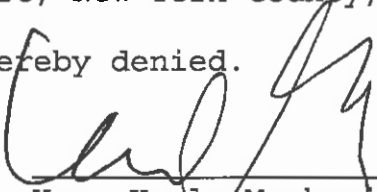
CERTIFICATE  
DENYING LEAVE

Oscar Sable,


Defendant.

-----X

I, Karla Moskowitz, 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, § 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 September 15, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated:

  
New York, New York

ENTERED: MAR 30 2017

✓

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

-against-

George Harris,

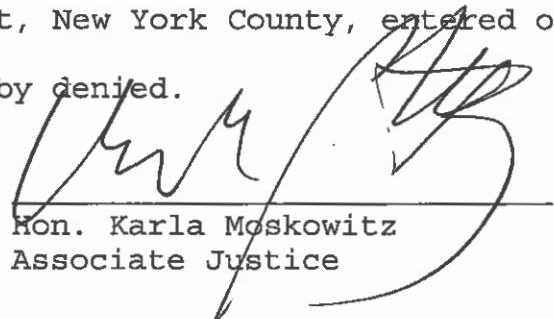
Defendant.

M-5965  
Ind. No. 2508/15

CERTIFICATE  
DENYING LEAVE

-----X

I, Karla Moskowitz, 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, § 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 21, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated:

*March 9, 2017*  
New York, New York

ENTERED:

**MAR 30 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 30, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----x

U.S. Bank National Association, as  
Indenture Trustee for the Benefit of  
the Insurers and Noteholders of  
Greenpoint Mortgage Funding Trust  
2006-HEI,

Plaintiff-Respondent,

M-1042

Index No. 600352/09

-and-

Syncora Guarantee Inc., formerly known as  
XL Capital Assurance Inc., etc., et al.,  
Plaintiffs,

-against-

Greenpoint Mortgage Funding, Inc.,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 2, 2016, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a respondent's brief under seal,

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 sealing the respondent's brief of plaintiff-respondent filed on February 15, 2017.

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 30, 2017.

Present - Hon. Peter Tom,	Justice Presiding,
Karla Moskowitz	
Paul G. Feinman	
Judith J. Gische	
Barbara R. Kapnick,	Justices.

-----x  
Tishman Construction Corp., an Aecom  
Company, and SL Green Realty Corp.,  
Plaintiffs-Respondents,

-against-

M-1122  
Index No. 150585/11

United Hispanic Construction Workers,  
Inc.,  
Defendant-Appellant,

David Rodriguez,  
Non-Party Appellant.

-----x

Appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 26, 2017, from the order of said Court entered on or about January 23, 2017 and from the judgment of said Court entered on or about February 28, 2017, respectively, and the appeal from the order and judgment (one paper) entered on January 26, 2017 having been perfected,

And appellants having jointly moved for consolidation of the perfected appeal from the order and judgment entered on or about January 26, 2017, with the unperfected appeals from the order entered on or about January 23, 2017 and the judgment entered on or about February 28, 2017, respectively, and for a stay of all proceedings pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted on condition the unperfected appeals are perfected for the September 2017 Term, to which Term the perfected appeal from the order and judgment (one paper) entered on or about January 26, 2017, is adjourned. Appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R.", is written above a horizontal line.

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 30, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X  
Anthony Rega,  
Plaintiff-Appellant,

-against-

M-829  
Index No. 591174/04

Avon Products, Inc., et al.,  
Defendants-Respondents.

-----X  
Avon Products, Inc., et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party  
Index No. 601008/04

Pitney Bowes Inc., et al.,  
Third-Party Defendants-Respondents,

Control Engineering Services Inc., etc.,  
et al.,  
Third-Party Defendants.

-----X

Third-party defendants-respondents having moved to dismiss the cross appeal taken by plaintiff-appellant from the order of the Supreme Court, New York County, entered on or about September 30, 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 and the cross appeal is dismissed.

ENTER:

  
CLERK

CORRECTED ORDER - April 7, 2017

CORRECTED ORDER - November 1, 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 30, 2017.

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

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

-against-

CONFIDENTIAL

M-677

Ind. No. 3315/14

Luis Alvarez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 9, 2016, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

CORRECTED ORDER -- April 7, 2017  
CORRECTED ORDER -- November 1, 2017

(M-677)

-2-

March 30, 2017

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