

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 May 2, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X
All Craft Fabricators, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-6318
Index No. 155408/15

Syska Hennessy Group, Inc.,
Defendant-Appellant.
-----X

Plaintiffs-respondents 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. 1685),

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 May 2, 2017.

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

-----x

The People of the State of New York,
Respondent,

-against-

M-1683
Ind. No. 1224/12

Tulsie Singh,
Defendant-Appellant.

-----x

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2015, and said appeal having been perfected and submitted (Appeal No. 3501 [March 2, 2017]),

And an order of this Court having been entered on March 28, 2017 (M-1193A), inter alia, substituting the Center for Appellate Litigation (CAL) for Adam Bevelacqua as appellate counsel for defendant to prosecute the aforesaid appeal, and holding the final determination of the appeal in abeyance, pending further motion practice by newly assigned counsel, if so advised,

And CAL having moved to stay determination of the aforesaid appeal, for an enlargement of time to review the record so that counsel can evaluate whether to file a reply brief or seek other relief on the submitted 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 portion of the motion seeking a stay is granted to the extent that the determination of this appeal will be held in abeyance for ninety days from the date of entry of this order, so that substituted counsel may review the record and evaluate the case. The motion is otherwise denied, without prejudice to counsel seeking permission to take further action in this Court on behalf of its client.

ENTER:

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

CLERK

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

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

-----X

Silvia Perina,
Plaintiff-Appellant,

-against-

M-1205
Index No. 401403/13

Animal Care and Control of New York
City, Inc.,
Defendant-Respondent.

-----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 February 2, 2017 (Appeal No. 2982),

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 May 2, 2017.

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

-----X
Nationstar Mortgage LLC,
Plaintiff-Respondent,

-against-

M-1560
Index No. 35966/14E

Silvia Martin,
Defendant-Appellant,

Mortgage Electronic Registration Systems,
Inc., etc., et al.,
Defendants.
-----X

Plaintiff-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about March 28, 2016, or in the alternative, for an extension of time for plaintiff to file a respondent's brief,

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

It is ordered that the motion to dismiss the appeal is denied, without prejudice to addressing the issue directly on appeal. The motion insofar as it seeks an extension of time to file a respondent's brief is denied as unnecessary, the appeal having been adjourned 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 May 2, 2017.

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

-----X

In re Sarah Yarmak,
Petitioner-Appellant,

-against-

M-1059
Index No. 651840/15

Penson Financial Services Inc.,
Respondent-Respondent.

-----X

Petitioner-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 January 24, 2017 (Appeal No. 2838),

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 May 2, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----x
Ralph Prado,

Plaintiff-Respondent,

-against-

M-6667
Index No. 26985/15

City of New York, et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 9, 2016,

And defendants-appellants having moved for a stay of the order insofar as it orders the disclosure of confidential data related to a confidential informant, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition the appeal is perfected for 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 May 2, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

BAT USA Corp.,
Plaintiff-Respondent,

-against-

M-1305

Index No. 651037/14

Stephen Chiovare and Michael Chiovare,
Defendants-Appellants,

Elegant Awnings, Inc.,
Defendant.

-----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 July 15, 2015, and from a judgment of said Court, entered on or about August 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 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 May 2, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x

Vinland Capital Investments, LLC,

Plaintiff-Appellant,

-against-

M-1254

Index No. 650635/14

Peak Venture Partners LLC, et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from two orders of the Supreme Court, New York County, both entered on or about May 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 September 2017 Term.

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 May 2, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x

The People of the State of New York
ex rel. Daniel Stern, Esq., on
behalf of Stephen Baez,
Petitioner-Appellant,

-against-

M-1366
SCID No. 30123/16
Index No. 450737/16

Joseph Ponte, Commissioner, New
York City Department of Corrections,
Respondent-Respondent.

-----x

Assigned counsel for petitioner-appellant having moved for leave to withdraw the appeal taken from the order of the Supreme Court, New York County, entered on or about June 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 deeming the appeal 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 May 2, 2017.

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

-----X
884 West End LLC,
Petitioner-Appellant,

-against-

M-1245
Index No. 56592/13

Eliezer Rosman, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 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 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 May 2, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----x
REEC West 11th Street LLC,
Plaintiff-Appellant,

-against-

M-1976
Index No. 651014/17

246 West 11th St. Realty Corp., et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 11, 2017,

And plaintiff-appellant having moved for a preliminary appellate injunction, pursuant to CPLR §§ 5518 and 5519(c), voiding and vacating all time of the essence closing notices issued by defendant extending the closing date to June 30, 2017; enjoining defendant from terminating or otherwise interfering with plaintiff's contractual and equitable rights to the property in question; enjoining defendant and the escrow agents from releasing the down payment held in escrow in the amount of \$360,000, and directing that defense counsel deposit those funds with the Clerk of the Court; enjoining defendant from withholding from plaintiff reasonable access to the premises on reasonable notice; and staying execution and enforcement of the order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 May 2, 2017.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

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

Latoya P.,
Petitioner-Appellant,

M-1720
Docket No. F-14362-15/15D

-against-

William B.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about February 10, 2017, and said appeal having been perfected,

And respondent-respondent having moved for leave to respond to the aforesaid appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that respondent-respondent has no funds or assets with which to respond to the appeal, including his income and expenses, as well as any property he owns with its value. Sua sponte, the appeal is adjourned 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 May 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-836
Ind. Nos. 9473/94
2036/84

Arthur Blake, also known as Robert Johnson, also known as Ronald Boyd, also known as Steven Banks, also known as John Tucker, also known as Robert Fields, also known as Robert Barrett, also known as Robert Reid,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 21, 1999 (Appeal No. 2805), unanimously affirming a judgment of **resentence** of the Supreme Court, New York County (Rena Uviller, J.), rendered on October 9, 1996,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

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

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

-----X

Barbara Cloud,
Plaintiff-Respondent,

-against-

M-1671X

Index No. 306514/13

Dangelo Corp., and Arcadio
Pequero-Veras,
Defendants-Appellants,

Juan Cuello,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 18, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 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 May 2, 2017.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In re The Friends of P.S. 163, Inc.,
et al.,
Petitioners-Respondents,

M-802
M-820

-against-

Index Nos. 100546/15
100641/15

Jewish Home Lifecare, Manhattan,
Respondent-Appellant,

New York State Department of Health,
et al.,
Respondents.

-----X

In re Matter of Daisy Wright, et al.,
Petitioners-Respondents,

-against-

New York State Department of Health,
et al.,
Respondents,

Jewish Home Lifecare, Manhattan,
Respondent-Appellant.

The Real Estate Board of New York, Inc.,
City of New York, Caringkind, JCC
Manhattan, Services and Advocacy for
GLBT Elders and West Side Federation
for Senior and Supportive Housing,
Amici Curiae.

-----X

Petitioners-respondents, The Friends of P.S. 163, Inc.,
et al., having moved for leave to appeal to the Court of Appeals
from the decision and order of this Court, entered on January 19,
2017 (Appeal No. 1444-1445) [M-820],

And, petitioners-respondents, Daisy Wright, et al., having moved for identical relief (M-802),

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 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 the Supreme Court, as reversed by this Court, properly made?"

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

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 May 2, 2017.

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

-----X
William Hornes,
Plaintiff-Respondent,

-against-

M-1730X
Index No. 302234/11

Daughters of Jacob Nursing Home,
Defendant-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 7, 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 May 2, 2017.

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

-----X

Lawrence Kingsley,
Plaintiff-Appellant,

-against-

300 W. 106th St. Corp.,
Defendant-Respondent.

M-692
M-1792
Index No. 162016/15

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about June 27, 2016 and from three separate orders, same Court and Justice entered on or about March 23, 2017, respectively,

And defendant-respondent having moved for an order striking pages of the appendix; striking the appellant's brief; directing appellant to file a proper appendix; and adjourning the filing of the respondent's brief (M-692),

And plaintiff-appellant having cross-moved for consolidation of the aforesaid appeals and an enlargement of time to perfect the consolidated appeals (M-1792),

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 deeming plaintiff's appellate brief withdrawn, and adjourning the perfected appeal to the October 2017 Term, and is otherwise denied (M-692). The cross-motion is granted to the extent of consolidating the perfected appeal from the order entered on or about June 27, 2016 with the appeals from the three orders entered on or about March 23, 2017.

Plaintiff is directed to file a new appellate brief, limiting the arguments raised solely to those referring to the order entered June 27, 2016, and the orders entered March 23, 2017, and a supplemental appendix related to the March 23, 2017 orders, on or before August 7, 2017, for the October 2017 Term (M-1792).

ENTER:

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

CLERK

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

Present: Hon. Peter Tom,
Karla Moskowitz
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,

Justices.

-----X
LNYC Loft, LLC, individually and
derivatively on behalf of HRC-NYC
Development, LLC,
Plaintiffs-Appellants,

-against-

Hudson Opportunity Fund I, LLC,
et al.,
Defendants,

M-1052
Index No. 650969/11

-and-

Jani Development II, LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 2, 2016,
And, plaintiffs having moved for a stay of a certain portion of the aforesaid 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
Ordered that the motion is denied as moot.

ENTER:


CLERK

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

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Three Amigos SJL Rest., Inc.,
Plaintiff-Respondent,

-against-

250 West 43 Owner LLC, et al.,
Defendants-Appellants,

M-740

M-1278

Index No. 162228/14

Alphonse Hotel Corp.,
Defendant.

-----X

Plaintiff-respondent 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 15, 2016 (Appeal No. 2186), which unanimously reversed the order of the Supreme Court, New York County, entered on September 29, 2015; and for a stay of proceedings pending hearing and determination of its purported appeal taken from the judgment of said Court and Justice, entered on or about November 22, 2016, [M-740],

And defendant-appellant having cross-moved to dismiss the aforesaid purported appeal [1278],

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 for reargument and related relief is denied in its entirety [M-740]. The cross motion is granted and the purported appeal is dismissed [M-1278].

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 May 2, 2017.

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

-----X

A. F., etc., et al.,
Plaintiffs-Respondents,

-against-

M-866
Index No. 350662/09

Cathedral Properties, LLC, et al.,
Defendants,

Prime Realty Services, et al.,
Defendants-Appellants.

-----X

Plaintiffs-respondents 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 January 31, 2017 (Appeal No. 2914),

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 May 2, 2017.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Quirino Madia, et al.,
Plaintiffs-Respondents,

-against-

M-644

Index No. 301718/13

CBS Corporation, et al.,
Defendants-Appellants,

EAN Holdings, LLC,
Defendant.

-----X

Plaintiffs-respondents 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 January 3, 2017 (Appeal No. 2625),

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 May 2, 2017.

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

-----X
Stairway Capital Management II, L.P.,
Plaintiff/Counterclaim-
Defendant-Respondent,

-against-

Eidos Partners, LLC, Eidos IV, LLC,
Eidos Display, LLC, Eidos III, LLC,
Eidos Advanced Display, LLC, Kamdes
IP Holding, LLC, Eidos, LLC, and
McKenna Long & Aldridge LLP,
Defendants/Counterclaim-
Plaintiffs-Appellants.

M-1482
Index No. 650870/12

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 9, 2013 and February 27, 2013, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated March 15, 2017, and due deliberation having been had thereon,

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

ENTER:



CLERK

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

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

-----X

In the Matter of

Derick B.,

A Dependent Child Under 18 Years of Age
Alleged to be Neglected Under Article
10 of the Family Court Act.

M-1766
Docket No. V-4045/13

Administration for Children's Services,
Petitioner-Respondent,

Catherine W.,
Respondent-Appellant.

Randall Carmel, Esq.,
Attorney for the Child.

-----X

Mina MacFarlane, Esq., attorney for the subject child having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the orders of the Family Court, Bronx County, entered on or about September 10, 2014 and June 29, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516)921-6800, as counsel for purposes of responding to the appeal;

(2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. The appeal, currently calendared for the June 2017 Term is sua sponte, adjourned to the September 2017 Term.

ENTER:

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

CLERK

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

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

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

-against-

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

M-1473X
Index No. 108934/10

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 20, 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 May 2, 2017.

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

-----X
Jediamex Diamonds Ltd.,
Plaintiff-Respondent,

-against-

M-1727X
Index No. 155457/15

Frieda Konfino, Ronen Konfino,
Defendants-Appellants,

A.N. Frieda Diamond Inc., et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 27, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 20, 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 May 2, 2017.

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

-----X
Edward C. Wong and Ella W. Hung,
Plaintiffs-Appellants,

-against-

M-1733X
Index No. 155341/13

200 East Tenants Corp.,
Defendant-Respondent.

-----X
200 East Tenants Corp.,
Third-Party Plaintiff,

-against-

JDM Contracting, LLC,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 16, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 15, 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 May 2, 2017.

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

-----X
Kumudini USWatte-Aratchi,
Plaintiff-Respondent,

-against-

M-1711
Index No. 111956/11

New York City Transit Authority,
Defendant,

Empire Paratransit Corp. and
Aleksandr Tkach,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 4, 2016,

Now, upon reading and filing the stipulation of the parties hereto, filed March 22, 2017, and due deliberation having been had thereon,

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

ENTER:



CLERK

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

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

-----X
Robinson Brog Leinwand Greene
Grenovese & Gluck, P.C.,
Plaintiff-Appellant-Respondent,

-against-

M-1718
Index No. 159138/14

Vaad L'Hafotzas Sichos, Inc. and
Zalman Chanin,
Defendants-Respondents,

-and-

Second Source Funding LLC,
also known as 2D Source
Funding and Sam Chanin,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 1, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated February 8, 2017, and due deliberation having been had thereon,

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

ENTER:



CLERK

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

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

-----X
Elizabeth S. Berardi,
Plaintiff-Respondent,

-against-

M-1679
Index No. 157690/12

Phillips Nizer LLP and Elliot Wiener,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 9, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 27, 2017, and due deliberation having been had thereon,

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

ENTER:



CLERK

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

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In the Matter of a Custody/Visitation proceeding Under Article 6 of the Family Court Act.

Manuel M.,
Petitioner-Respondent,

CONFIDENTIAL
M-1060
IDV Docket No. 4/13

-against-

Audry S.,
Respondent-Appellant.

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

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about June 9, 2015,

And, respondent having moved to withdraw her 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, with leave to renew, upon papers including the notice of appeal, the order on appeal, and a notarized letter or affidavit by respondent verifying that she consents to withdrawal of the appeal.

ENTER:


CLERK

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

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Bradley C. Aldrich, et al.,
Plaintiffs-Appellants,

-against-

M-1258
Index No. 602803/07

Northern Leasing Systems, Inc.,
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 March 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 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 May 2, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Wachtell, Lipton, Rosen & Katz,
Plaintiff-Respondent,

-against-

M-6075
Index No. 654343/13

CVR Energy, Inc.,
Defendant-Appellant,

Icahn Enterprises, L.P., et al.,
Defendants.

-----X

Plaintiff-respondent 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 Nos. 2060-2061),

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 May 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

ABL Advisor LLC, et al.,
Plaintiffs-Respondents,

-against-

M-1428
Index No. 651985/15

Ian S. Peck, Art Capital Group, LLC,
Patriot Credit Company, LLC, Bluefin
Capital Partners, LLC and John Does
1-10,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order declaring that a certain appeal bond posted by defendants-appellants has been extinguished, directing the immediate return of the collateral securing the bond, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulations of the parties dated March 10, 2017 and March 22, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:



CLERK

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

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

-----X
In re Withinvestors St. Marks, LLC,
Petitioner-Appellant-Respondent,

-against-

M-1321
Index No. 161536/13

KJY Investment LLC,
Respondent-Respondent-Appellant.
-----X

Respondent-respondent-appellant having moved for reargument of the decision and order of this Court, entered on January 31, 2017 (Appeal No. 2946),

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.

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 May 2, 2017.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
James Pettus and Charlene Thompson,
Petitioners-Appellants,

-against-

M-1176

Index Nos. 251413/14
250113/15

Board of Directors, Owners 800 Grand
Concourse, Charles H. Greenthal,
Agent/Mgmt.,
Respondents-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about February 2, 2016 and from two orders, same Court and Justice, entered on or about February 10, 2016,

And, petitioners-appellants having moved for an enlargement of time to perfect their appeal, and for leave to be exempt from filing an appendix,

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 taken from the order entered on February 2, 2016 to the September 2017 Term; sua sponte, the time to perfect the appeal taken from the orders entered on February 10, 2016 is enlarged to said September 2017 Term; and as to both appeals, no further enlargements will be granted. 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 May 2, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Richard Kallop, et al.,
Plaintiffs-Respondents,

-against-

M-1731
Index No. 26628/16

Board of Directors for Edgewater Park
Owners' Cooperative, Inc., Edgewater
Park Owners' Cooperative, Inc.,
Defendants-Appellants-Respondents,

PHH Mortgage, as agent for HSBC,
Defendant-Respondent-Appellant.

-----X

Defendants-appellants Board of Directors for Edgewater Park Owners' Cooperative, Inc., and Edgewater Park Owners' Cooperative, Inc. having moved for a stay pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 12, 2017,

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 that the appeal is perfected for the September 2017 Term.

ENTER:



CLERK