

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 23, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

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

-against-

M-1513  
Ind. No. 4193/15

Moses Wortham,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 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.

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 23, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X  
Siri Medical Associates, PLLC,  
also known as Catskill Physical  
Medicine and Paid Management,  
Plaintiffs-Respondents,

-against-

Paradise Court Management  
Corporation,  
Defendant-Appellant,

M-1887  
Index No. 22805/15E

Sentinel Insurance Company,  
Limited/The Hartford,  
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 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.

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 23, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X  
In the Matter of Noah Berkley,  
Petitioner-Appellant,

-against-

M-1909  
Index No. 650648/16

New York City Department of  
Education,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 27, 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.

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 23, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X  
Elise Adario-Caine,  
Plaintiff-Appellant,

-against-

**M-1888**

Index No. 107685/11

69<sup>th</sup> Tenants Corp., and Charles H.  
Greenthal Management Co.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 28, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 23, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Rachel Tantaro,

Plaintiff-Appellant,

-against-

M-1740

Index No. 152701/13

Common Ground Community Housing  
Development Fund, Inc., et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 28, 2017 (Appeal No. 3223),

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 23, 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

Julio A.,

**CONFIDENTIAL**

**M-1882**

Docket No. D-19170/14

A Person Alleged to be a Juvenile  
Delinquent,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from a Fact-Finding Order and an Order of Disposition of the Family Court, Bronx County, entered on or about February 4, 2016 and April 4, 2016, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 23, 2017.

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

-----X  
Christopher Bent,

Plaintiff-Respondent,

-against-

Sears, Roebuck and Co.,  
and Electrolux Home Products,

Defendants-Appellants.  
-----X

**M-1732X**  
Index No. 114565/09

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 25, 2016, July 18, 2016 and November 3, 2016, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 27, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2013  
Ind. No. 2597/13

Jahdieya Joseph,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 3, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

In the Matter of

Glenn R.,

**CONFIDENTIAL**

M-2035

A Person Alleged to be a Juvenile  
Delinquent,

Docket No. D-11594/11

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about September 23, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 6, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

In the Matter of

Loaiza P.,

A Person Alleged to be a Juvenile  
Delinquent,  
Respondent-Appellant.

**CONFIDENTIAL**

M-2038

Docket No. D-161/13

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about February 11, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated April 6, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2106

Ind. No. 2614/15

Nelson Washington,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 4, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

New Gold Equities Corp.,

Plaintiff-Appellant,

-against-

M-2129X  
Index No. 652528/13

Valoc Enterprises, Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 25, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 7, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Linnett A.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-2131  
Docket No. O-15491/14

-against-

Jonathan M. D.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 11, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 29, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

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

Respondent,

-against-

Earl Smith,

Defendant-Appellant.  
-----X

M-2132  
SCI No. 2651/09  
Case No. 34898C/09

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 14, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated April 3, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X  
Scottie Pichardo,

Plaintiff-Respondent,

-against-

Four Winds Hospital,

Defendant-Appellant.  
-----X

M-2139X  
Index No. 309531/12

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 1, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X  
Guillermo Bonilla,  
Plaintiff-Respondent,

-against-

M-2280X  
Index No. 304961/12

Casanova Fuel Oil Inc.,  
Defendant-Appellant,

Alexander Herrera,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 14, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2127

Ind. No. 5196/14

John Capers,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 1, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 2, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

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

Respondent,

-against-

M-2158  
Ind. Nos. 1522/13  
3509/13

Franklin Vasquez,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 4, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 3, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

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

Respondent,

-against-

M-2183  
Ind. No. 2535/14

Stephon Owusu,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 3, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 17, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

Miguel Muller,

Plaintiff-Respondent,

-against-

M-2276X  
Index No. 300990/10

Joseph Rodney,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 26, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2347

Ind. No. 96/15

Moazzam Malik,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 18, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X  
Promenet Inc.,  
Plaintiff-Respondent,

-against-

Pro4ia, Inc.,  
Defendant-Respondent.

M-2383X  
Index No. 154474/15

- - - - -  
Pro4ia, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Everest BBN, Inc.,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 15, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 26, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

David Runtz,  
Plaintiff-Respondent,

-against-

71 West 55<sup>th</sup> Restaurant Corp., etc.,  
et al.,  
Defendants-Appellants,

M-2115  
Index No. 155028/13

-and-

Scott Dimbert, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 23, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 6, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

Tashonda L. Blankumsee,

Plaintiff-Appellant,

-against-

M-2128

Index No. 150209/13

B.B. King Blues Club & Grill, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated April 14, 2017, and due deliberation having been had thereon,

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

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 23, 2017.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1978  
SCID Nos. 30216/16  
30217/16

Monserate Rodriguez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Supreme Court, New York County (Menin, J.), entered on or about March 30, 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 Menin 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.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 23, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzairelli  
Richard T. Andrias  
Sallie Manzanet-Daniels, Justices.

-----x  
In the Matter of

Nakelia T.,

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

M-2116  
Docket No. NN-41422/15

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

Ihesiah M.,  
Respondent-Appellant.

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

-----x  
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about June 8, 2016, and said appeal having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied, without prejudice to raising the substantive arguments in the respondent's brief upon hearing of the appeal.

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 23, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X  
R.D., an infant, by his Mother and  
Natural Guardian, Claudia Rios-Datta,  
and Claudia Rios-Datta, Individually,  
Plaintiffs-Appellants,

**M-1797**  
Index No. 160673/13

-against-

The Educational Alliance, The 14<sup>th</sup>  
Street Y and New Country Day Camp,  
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 June 7, 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.

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 23, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X  
Apogee Handcraft, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

Verragio, Ltd.,  
Defendant-Appellant-Respondent.

M-1798  
Index No. 156997/13

-----X  
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 6, 2016,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the October 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 23, 2017.

Present : Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X

Deep Woods Holdings LLC,  
Plaintiff-Appellant,

**M-1879**

-against-

Index No. 652886/15

Pryor Cashman LLP and Pinchus Raice,  
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about May 24, 2016, and from two orders of said Court, both entered on or about June 10, 2016,

And plaintiff having moved for an enlargement of time to perfect the appeals and consolidation of same,

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 consolidating the aforesaid appeals and permitting appellant to prosecute said appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The time to perfect the consolidated appeals is enlarged to the 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 23, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Karla Moskowitz  
Paul G. Feinman  
Marcy L. Kahn, Justices.

-----X  
Gregory Scavetta, et al.,

Plaintiffs-Appellants,

-against-

M-1934  
Index No. 155262/14

Stuart Wechsler,

Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 16, 2017 (Appeal No. 2235),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of the Supreme Court, properly made?"

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

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 23, 2017.

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

-----X  
Risk Control Associates, Inc., et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-1875  
Index No. 155434/15

Maloof, Lebowitz, Connahan & Oleske,  
P.C., et al.,  
Defendants-Respondents-Appellants.

-----X

Plaintiffs-appellants-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 March 7, 2017 (Appeal No. 3330),

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 23, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Richard T. Andrias  
Troy K. Webber, Justices.

-----X

Bari Yunis S.,  
Plaintiff-Respondent,

-against-

**M-2225**

Index No. 305587/11

David Evan S.,  
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2016, and from a Judgment of Divorce of said Court, also entered on or about February 26, 2016,

And, defendant-appellant having moved to stay enforcement of certain parts of the aforesaid order and judgment, and for a stay of the second interim order of a Justice of the Supreme Court, dated March 23, 2017,

And an application for an interim stay having been denied by a Justice of this Court on May 10, 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 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 23, 2017.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against-

**M-1532**  
Ind. No. 3874/14

Jose Nunez,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2016,

And defendant-appellant having moved for an order continuing the stay of execution of sentence and bail pending determination of the appeal, which stay was granted by orders of a Justice of this Court, dated July 1, 2016 and December 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 enlarging appellant's time to perfect his appeal to the September 2017 Term, and extending the previously granted stay of execution of sentence and bail, under the original terms and conditions, and on further condition that appellant perfects said appeal on or before July 10, 2017 for said 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 23, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----x  
American Commerce Ins. Co.,  
Plaintiff-Respondent,

-against-

Joseph Makinson, et al.,  
Defendants,

M-2043  
M-2226  
Index No. 152948/12

Charles Deng Acupuncture, P.C.,  
et al.,  
Defendants-Appellants.

-----x

An appeal 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 11, 2016, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of the aforesaid appeal (M-2043),

And defendants-appellants having cross-moved for an extension of time to file a notice of appeal, or to deem the notice of appeal filed on March 4, 2016 to be timely, nunc pro tunc (M-2226),

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 to dismiss the appeal is denied (M-2043). The cross motion is granted to the extent of deeming the appeal timely filed (M-2226).

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 23, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----x

In the Matter of the Application of  
Regina Metropolitan Co. LLC,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

Action No. 1  
Index No. 101235/15

New York State Division of Housing and  
Community Renewal,  
Respondent-Respondent,

Leslie E. Carr, et al.,  
Intervenors-Respondents.

- - - - -

M-1981

In the Matter of the Application of  
Leslie E. Carr and Harry A. Levy,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

Action No. 2  
Index No. 101236/15

New York State Division of Housing and  
Community Renewal,  
Respondent-Respondent,

Regina Metropolitan Co. LLC,  
Intervenors-Respondents.

-----x

Separate appeals having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about October 24, 2016, and the appeal in Action No. 1 having been perfected and calendared,

And petitioners-appellants in Action No. 2, Leslie E. Carr and Harry A. Levy, having moved for consolidation of the aforesaid appeals, to have the appeals heard together or, in the alternative, for adjournment 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 to the extent of directing the Clerk to calendar the appeals for hearing together in the September 2017 Term. The appeals are to be heard on the record on appeal filed by the petitioner-appellant landlord in Action No. 1, and tenants are directed to submit a supplemental record containing their notice of appeal and pre-argument statement. The time to perfect the appeal in Action No. 2 is enlarged to the September 2017 Term, to which Term the perfected appeal is to be maintained.

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 23, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----x  
Black Rhino Investments LLC, et al.,

Plaintiffs-Respondents,

-against-

M-1889  
Index No. 653736/16

John P. Wilson,

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 March 10, 2017,

And defendant-appellant having moved for a stay of arbitration 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 denied, and the interim relief granted by the order of a Justice of this Court, dated April 7, 2017, is vacated.

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 23, 2017.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X  
Kelly Gunn,  
Petitioner-Appellant,

-against-

**M-2175**  
Index No. 309154/16

Circe Hamilton,  
Respondent-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 13, 2017,

And, petitioner-appellant having moved to stay 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. The order of a Justice of this Court, dated April 20, 2017, which granted an interim stay is vacated.

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 23, 2017.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Warnell Carroll,  
Plaintiff-Respondent,

-against-

**M-2135**

Index No. 23222/16

City of New York, New York City  
Police Department, Police Officer  
Francisco Agis, Police Officer  
Nelson Nin, Police Officer  
Adrian J. Ramos, Police Officer  
John Doe and Police Officer  
John Roe,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 6, 2017,

And, defendants-appellants having moved to stay, pending determination of the appeal, the enforcement of the aforesaid order,

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 defendants-appellants perfect their appeal on or before August 7, 2017 for the October 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 23, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1778  
Ind. No. 580/13

Wellington Fullmore-Salvador,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 18, 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 denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds utilized to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds available to defendant.)

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 23, 2017.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
John Stevens and Martha Stevens,

Plaintiffs-Respondents,

-against-

**M-1923**  
Index No. 154103/12

680 St. Nicholas, LLC, and Arkar, Inc.,

Defendants,

136 Street Donuts LLC and Lenox Avenue  
Donuts, incorrectly sued herein as  
Dunkin Donuts,

Defendants-Appellants.

-----X  
680 St. Nicholas, LLC, and Arkar, Inc.,

Third-Party Plaintiffs-Respondents,

Third-Party  
Index No. 590914/13

-against-

145<sup>th</sup> Street Donuts, LLC,

Third-Party Defendant-Appellant.

-----X

Defendants/third-party defendant-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 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.

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 23, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----x  
James P. McG.,  
Plaintiff-Respondent,

-against-

Jodi A. McG.,  
Defendant-Appellant.  
-----x

**CONFIDENTIAL**

M-1771

Index No. 350117/12

An appeal having been taken to this Court from the amended judgment of divorce of the Supreme Court, New York County, entered on or about March 7, 2016, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, striking appellant's brief and appendix, for adjournment of the appeal, and for the award of costs with respect to filing this motion,

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) ordering defendant to file a supplemental appendix, which shall include documents to which defendant refers in the appellant's brief at pp. 1-5, including Exh. G and H to the Douglas Affirmation and the underlying motion papers; (2) striking pp. A18-A79 of defendant-appellant's appendix, and directing defendant-appellant to physically excise those pages from all copies of the appendix within 15 days of entry of this order; and (3) striking defendant-appellant's brief, with leave to submit a corrected brief inclusive of citations to the supplemental appendix, and which omits all reference to the materials stricken from the appendix as above, on or before

July 10, 2017, for the September 2017 Term. The motion, to the extent it seeks dismissal of the aforesaid appeal, is denied, without prejudice to plaintiff-respondent filing a supplemental appendix, with costs to abide the event, if so advised.

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 23, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Karla Moskowitz  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----x

The People of the State of New York  
ex rel. Martin LaFalce, on behalf of  
Andy Bolta,  
Petitioner-Appellant,

-against-

M-1738  
Index No. 450867/17

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 29, 2017, which denied and dismissed petitioner-appellant's application for a writ of habeas corpus,

And petitioner-appellant having moved for an unsecured surety bond pending hearing and determination of the appeal, for expedited hearing of the appeal, and for poor person relief, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the 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 said motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court, entered March 31, 2017, which set an unsecured bond in the amount of \$3,500 on the pending appeal, on condition that petitioner-appellant posts \$3,500 cash from the previously exonerated bail upon receipt of those funds by petitioner-appellant from the New York City Department of Finance, and on further condition petitioner-appellant perfects the appeal for the November 2017 Term, and it is further,

Ordered that poor person relief is granted and it is directed that the appeal 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Pursuant to Section 35 of the Judiciary Law, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

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 23, 2017.

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

-----X  
Natixis Real Estate Capital Trust  
2007-HE2, etc.,

Plaintiff-Respondent,

M-1899

Index No. 153945/13

-against-

Natixis Real Estate Holdings, LLC,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 9, 2017 (Appeal No. 2142),

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 23, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

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

-against-

Darrell Rose,  
Defendant-Appellant.

M-1827  
Ind. No. 2171/11  
Case No. 34312C/11

-----X

An order of this Court having been entered on May 30, 2013 (M-1955) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 14, 2013, and assigning Steven Banks, Esq., predecessor counsel to Seymour James, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the 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 23, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Paul G. Feinman  
Marcy L. Kahn, Justices.

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

-against-

M-1511  
Ind. No. 4367N/15

Victor Rivera,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 16, 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.

ENTERED:

  
\_\_\_\_\_  
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  
The People of the State of New York,

M-2019  
Ind. Nos. 5431/03  
8560/00

-against-

CERTIFICATE  
DENYING LEAVE

Alberto Polanco,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.16, 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 February 22, 2017 (Ruth Pickholz, J.) is hereby denied.

\_\_\_\_\_  
Associate Justice

Dated: May 15, 2017  
New York, New York

ENTERED: