

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 2017.

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

-----X
Keonna S. Greenidge,

Plaintiff-Respondent,

-against-

M-4460X
Index No. 300475/14

Willis Steele, Jr., Abbvie Inc., and
D.L. Peterson Trust,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 23, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 12, 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-4907
Ind. No. 4141/00

Steven Rivera,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 3, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 12, 2017.

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

-----X

Barbara Klett,

Plaintiff-Respondent,

-against-

M-4942X
Index No. 650893/15

Khedouri Ezair Corp., A.L.A.M.V., Inc.,
d/b/a Lex Restaurant and Nero's
Restaurant Inc.,

Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 19, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 October 12, 2017.

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

-----X
In re: New York City Asbestos Litigation

Patrick Demartino and Joy Demartino,
Plaintiffs-Respondents,

-against-

M-4256
Index No. 190128/14

Aurora Pump Company,
Defendant-Appellant,

-and-

Borg-Warner Corporation, etc., et al.,
Defendants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 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 October 12, 2017.

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

-----X

American Commerce Insurance Company,
Plaintiff-Respondent,

-against-

M-4479
Index No. 152948/12

Joseph Makinson, et al.,
Defendants,

Charles Deng Acupuncture, P.C.,
Jean Compas, M.D., Delta Diagnostic
Radiology, P.C., New Way Medical
Supply Corp., Great Health Care
Chiropractic, P.C.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 9, 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 October 12, 2017.

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

-----X

Cathy Daniels, Ltd., Daniel Chestler,
Steven M. Chestler, individually and
as a personal representative of the
Estate of Herbert Chestler and as a
personal representative of the Estate
of Rita Chestler,

Plaintiffs-Respondents,

M-4943X

Index No. 114942/09

-against-

Robin S. Weingast, et al.,
Defendants-Appellants,

John Hancock Life Insurance Company
of New York, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 21, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 19, 2017, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn and the action discontinued, against Robin S. Weingast and Robin S. Weingast & Associates, Inc., 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 October 12, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -
Christopher H.,
Petitioner-Respondent, Docket Nos. V-41626-16/16A
V-41627-16/16A
-against- V-41628-16/16A

CONFIDENTIAL
M-4385

Taiesha R.,
Respondent-Appellant.

- - - - -
Martha Pollack, Esq.,
Children's Law Center
Attorney for the Children,
Skyearra H., Mahagony H.,
and Christopher H., Jr.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about March 7, 2017, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for purposes of prosecuting the appeal; (2) directing

the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -

CONFIDENTIAL

M-4394

Christopher H.,
Petitioner-Respondent,

Docket Nos. V-41626-16/16A
V-41627-16/16A
V-41628-16/16A

-against-

Taiesha R.,
Respondent-Appellant.

- - - - -

Martha Pollack, Esq.,
Children's Law Center
Attorney for the Children,
Skyearra H., Mahagony H.,
and Christopher H., Jr.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about March 7, 2017, 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 §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843,

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 respondent-appellant and 8 copies thereof are filed with 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 October 12, 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

Chance R.,
Josiah R.,
Skyerra H.,
Christopher H.,
and Mahogany H.,

CONFIDENTIAL

M-4358

Docket Nos. NN-41619/16
NN-41620/16
NN-41621/16
NN-41622/16
NN-41623/16

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

- - - - -
Administration for Children's
Services of the City of New York,
et al.,
Petitioners-Respondents,

Andrew W.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for Children,
Chance R. and Josiah R.

- - - - -
Martha Pollack, Esq.,
The Children's Law Center,
Attorney for Children,
Skyerra H., Christopher H.
and Mahogany H.

-----X

Respondent-appellant having moved for leave to appeal, as a poor person, from the order of the Family Court, New York County, entered on or about March 3, 2017, 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,

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, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. 212-965-0050, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 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

Carol Colin G. G., and
Dashanti Renyae G.,

Children Under the Age of 21 Years
Pursuant to Proceedings for the
Appointment of Kinship Guardian Under
§ 661 of the Family Court Act.

- - - - -
Jazmine D.,
Petitioner-Respondent,

CONFIDENTIAL
M-4648
Docket Nos. G-48706/16
G-48707/16

Administration for Children's Services,
Respondent,

Alicia G.,
Respondent-Appellant.

- - - - -
Elizabeth Callaghan, Esq.,
Attorney for the Child
Carol Colin G. G.,

Michelle F. P. Roberts, Esq.,
Attorney for the Child
Dashanti Renyae G.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about June 14, 2017, 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, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 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'Riana Desire N.,
also known as
A'Riana N.,
also known as
Ariana N.,

CONFIDENTIAL
M-4529
Docket No. B-40416/16

Dependent Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
The Children's Aid Society and
Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioners-Respondents,

Ashley N.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 12, 2017, 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, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 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

Elie W., Jr.,

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

CONFIDENTIAL

M-4649

Docket No. NN-47752/16

Administration for Children's
Services,
Petitioner-Respondent,

Elie W., Jr.,
Respondent-Appellant.

Shirley Caro, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about August 13, 2017, 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, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

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 Merchan 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-4515)

-2-

October 12, 2017

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 October 12, 2017.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-4713

-against-

Ind. No. 326/15

Deshawn Barzey,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Michaels, J.), entered on or about August 18, 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 Michaels as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4713)

-2-

October 12, 2017

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 October 12, 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-3665
Ind. No. 1540/14

Gregorio Hanley,

Defendant-Appellant.
-----X

An order of this Court having been entered on July 11, 2017 (M-2866) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2016, and assigning Robert S. Dean, 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 granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Edith Blumberg, Esq., P.O. Box 847, New Berlin, NY 13411, Telephone No. 607-847-8511, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 October 12, 2017.

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

-----x
Stempel Bennett Claman & Hochberg, P.C.,

Plaintiff-Respondent,

-against-

M-2753
Index No. 157808/15

Westchester Condos, LLC, et al.,

Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 10, 2017,

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants dated August 8, 2017, and due deliberation having been had thereon,

It is ordered that the motion is denied as moot.

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 October 12, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
William Murawski,
Plaintiff-Appellant,

-against-

M-4685
Index No. 114664/11

Richard Bisso,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 25, 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 March 2018 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 October 12, 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-1832
Ind. No. 7573/95

Jose Jimenez,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 1, 2000 (Appeal No. 1297), unanimously affirming a judgment of the Supreme Court, Bronx County (Lawrence Tonetti, J.), rendered on May 7, 1998,

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.

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 October 12, 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,

-against-

M-2529
Ind. No. 2604/97

Ricardo Mendoza,
Defendant.

-----X

An order of this Court having been entered on April 11, 2000 (M-2014), deeming defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 29, 1998, withdrawn in accordance with a stipulation of the parties, dated March 29, 2000,

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, for the reinstatement of his 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 said application is denied in its entirety.

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 October 12, 2017.

Present - Hon. Peter Tom,
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer,

Justice Presiding,

Justices.

-----X
James Taylor, et al.,
Plaintiffs-Respondents,

-against-

72A Realty Associates, L.P.,
et al.,
Defendants-Appellants.

-----X

M-3235

M-3230

Index No. 151560/14

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 25, 2017 (Appeal No. 2673), and for a stay of all proceedings pending hearing and determination of the appeal if the aforesaid leave should be granted [M-3235],

And Community Housing Improvement Program, Inc., having moved for leave to appear as an amicus curiae in support of that branch of defendants-appellants' aforesaid motion which seeks leave to appeal to the Court of Appeals [M-3230],

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

It is ordered that Community Housing Improvement Program, Inc.'s motion for leave to appear as an amicus curiae in partial support of defendants-appellants' motion is granted but only to the extent that this Court has considered movant's arguments as an amicus curiae in further support of defendants-appellants' motion [M-3230]. It is further ordered that defendants-appellants' motion is denied in its entirety [M-3235].

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 October 12, 2017.

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

Justice Presiding,

Justices.

-----X

Prince Oparaji and Maurice Oparaji,
Plaintiffs-Appellants,

M-3563

M-4477

-against-

Index No. 102264/15

Lawrence T. Yablon, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 1, 2017 (Appeal No. 4052) [M-3563],

And plaintiff-appellant Prince Oparaji having moved, in a separate motion, to sever this action from the action of co-plaintiff Maurice Oparaji, and otherwise for the same relief as requested in M-3563 [M-4477],

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 [M-3563] and [M-4477] are denied in their entirety.

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 October 12, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of

Isaiah D.,
and Tru L.,

CONFIDENTIAL

M-4791

Docket Nos. NN-18913/13
NN-18914/13

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

- - - - -
Commissioner of Social Services
of the City of New York,
Petitioner-Respondent,

Mark D.,
Respondent-Appellant.

- - - - -
Randall S. Carmel, Esq.,
Attorney for the Child
Isaiah D.,

Andrew J. Baer, Esq.,
Attorney for the Child
Tru L.

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about November 19, 2014, and said appeal having been perfected,

And Seymour W. James, Jr., court attorney for the subject children, having moved on each child's behalf for leave to respond to the aforesaid appeal as a poor person, 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 §1120 of the Family Court Act, Randall S. Carmel, Esq., 410 Jericho Turnpike, Suite #302, Jericho, NY 11753, Telephone No. 516-921-8800, as counsel for Isaiah D., and Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 1007, Telephone No. 212-233-0318, as counsel for Tru L. for purposes of responding to the appeal; (2) permitting movants to respond to the appeal upon reproduced respondents' briefs, on condition that one copy of each respondent's brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with 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 October 12, 2017.

Present - Hon. David Friedman,	Justice Presiding,
Dianne T. Renwick	
Richard T. Andrias	
Karla Moskowitz	
Ellen Gesmer,	Justices.

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

Respondent,

-against-

M-2864
Ind. No. 4903/12

Christopher Wilson,

Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 31, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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.

Richard M. Weinstein, Esq., 3 Columbus Circle, Suite 1500, New York, NY 10019, Telephone No. 212-404-2726, 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.

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 October 12, 2017.

Present - Hon. David Friedman,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern,

Justice Presiding,

Justices.

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

-against-

M-2896
Ind. No. 700/15

Alian Perez,
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, Bronx County, rendered on or about February 26, 2017, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 October 12, 2017.

Present - Hon. David Friedman,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer,

Justice Presiding,

Justices.

-----X
In the Matter of

Josee L. H.,

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

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

Petitioner,

CONFIDENTIAL
M-4200

Docket No. N-49278/12

Decarla L.,

Respondent.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,

Attorney for the Child.

-----X

An order of this Court having been entered on July 11, 2017 (M-2323), dismissing respondent's appeals taken from orders of the Family Court, New York County, entered on or about December 1, 2015 and December 3, 2015,

And respondent having moved for reconsideration of the aforesaid order of dismissal, and for reinstatement of the two appeals,

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

It is ordered that the motion is denied.

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 October 12, 2017.

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

-----X

In re Barbara Wismer,
Petitioner-Appellant,

M-3519

M-3582

M-3923

-against-

Index No. 101233/14

Touro College, et al.,
Respondents-Respondents.

-----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 May 11, 2017 (Appeal No. 3955) [M-3519],

And respondents-respondents having cross-moved for an order dismissing petitioner's aforesaid motion, and awarding said respondents costs and attorneys' fees and certain sanctions [M-3582],

And petitioner-appellant having cross-moved for an order awarding said petitioner costs and attorneys' fees, and imposing certain sanctions upon respondents [M-3923],

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

It is ordered that petitioner's motion and cross motion [M-3159 and M-3923] are denied in their entirety. Respondents-respondents' cross motion [M-3582] 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 October 12, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Sean Reeps, etc.,
Plaintiff-Respondent,

-against-

M-4281

Index No. 100725/08

BMW of North America, LLC, et al.,
Defendants-Appellants,

Martin Motor Sales, Inc.,
Defendant-Appellant,

Hassel Motors, Inc.,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 1, 2017,

And plaintiff-respondent having moved for expedited hearing of the appeals, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 4, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 October 12, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Karla Moskowitz
Troy K. Webber, Justices.

-----x

Raphael Maman,
Plaintiff-Respondent,

-against-

Marx Realty & Improvement Co., Inc., M-2735
et al., M-2926
Defendants-Appellants, Index No. 152441/12

-and-

Weir Welding Company, Inc.,
Defendant-Appellant.

- - - - -
[And other actions]

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 13, 2016,

And defendants-appellants Marx Realty & Improvement Co., Inc., et al. (M-2735) and defendant/third-party defendant/second third-party plaintiff Weir Welding Company, Inc. (M-2926) having separately moved for an enlargement of time to perfect their respective appeals,

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

It is ordered that, sua sponte, the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11, and it is further,

Ordered that the time to perfect the consolidated appeals is enlarged to the March 2018 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 October 12, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
154 E. 62 LLC,

Plaintiff-Respondent,

-against-

M-4968
Index No. 155966/16

156 E 62nd Street LLC,

Defendant-Appellant.
-----x

Defendant-appellant having moved, inter alia, for a stay of an inquest pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about July 26, 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 October 12, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Inuel Elio S., also known as
Inuel S., also known as Inuel F.;
and Michael Antonio V., also known
as Michael V., also known as
Michael F.,

CONFIDENTIAL

Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

M-3184
Docket Nos. B-29480-81/13

- - - - -
Graham Windham Services to Families
and Children,
Petitioner-Respondent,

Eunice F., also known as Eunice M.,
Respondent-Appellant.

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

-----X

Petitioner-respondent having moved to dismiss the appeal taken from orders of the Family Court, Bronx County, both entered on or about July 18, 2016, for failure to timely perfect,

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 October 12, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
Arleen P. Schloss,

Plaintiff-Respondent,

-against-

M-4860
Index No. 162797/14

Tears Realty Corp.,

Defendant-Appellant.
-----x

Defendant-appellant having moved, inter alia, for a stay of trial pending hearing and determination of appeals from the orders of the Supreme Court, New York County, entered on or about May 1, 2017 and 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, and the interim relief granted by the order of a Justice of this Court, dated September 13, 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 October 12, 2017.

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

-----x

Steven I. Becker and Giovanna F.

Becker,

Plaintiffs-Appellants,

M-5279

M-4135

Index No. 109337/10

-against-

Park Murray Associates, LLC
and 23 Park Place LLC,
Defendants-Respondents.

- - - - -

RR Reo II LLC,

Petitioner-Landlord-Respondent,

L&T Index No. 58772/12

-against-

Steven I. Becker and Giovanna F.

Becker,

Respondents-Tenants-Appellants,

"John Doe" and "Jane Doe",

Respondents-Undertenants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 24, 2016, from the order and judgment (one paper) of said Court, entered on or about September 12, 2016, and said appeals having been perfected,

And an order of a Justice of this Court, dated November 29, 2016, having granted plaintiffs an interim stay of eviction on condition that plaintiffs continue to pay use and occupancy in accordance with the stipulation of the parties, dated November 21, 2016,

And an order of this Court having been entered on February 2, 2017 (M-6317), inter alia, continuing the relief granted by the interim order of a Justice of this Court, dated November 29, 2016, on condition plaintiffs perfect their appeal for the June 2017 Term,

And defendant/petitioner-landlord-respondent, RR Reo II, LLC, having moved for an order substituting 23 Park Place LLC, the new owner of the subject premises or, in the alternative, to amend the case caption to reflect them as the new owner [M-4135],

And plaintiffs/respondents-appellants having moved to withdraw their appeals [M-5279],

Now, upon reading and filing the papers with respect to the motions, and the stipulation of the parties hereto, filed on October 3, 2017, and due deliberation having been had thereon,

It is ordered that the motion to withdraw the appeals is granted [M-5279]; the motion seeking, inter alia, to amend the caption is denied, as moot [M-4135].

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 October 12, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Guardianship of
the Person and Custody of

Inuel Elio S., also known as
Inuel S., also known as Inuel F.;
and Michael Antonio V., also known
as Michael V., also known as
Michael F.,

CONFIDENTIAL

Children Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

M-3184

Docket Nos. B-29480-81/13

- - - - -
Graham Windham Services to Families
and Children,
Petitioner-Respondent,

Eunice F., also known as Eunice M.,
Respondent-Appellant.

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

-----X

Petitioner-respondent having moved to dismiss the appeal taken from orders of the Family Court, Bronx County, both entered on or about July 18, 2016, for failure to timely perfect,

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 October 12, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3986

Ind. Nos. 3783/08
3190/08
1821/12

Kalieh McMorris, also known as Kaueh
McMorris, also known as Two-Five,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 13, 2013 (M-2222), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, Bronx County, rendered on or about March 15, 2013, and assigning Richard M. Greenberg, 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 granted to the extent of striking the designation of successor assigned counsel Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Weinstein, Esq., 3 Columbus Circle, Suite 1500, New York, NY 10019, Telephone No. 212-404-2726, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 October 12, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Frederick Goldman, Inc.,
Plaintiff-Appellant,

-against-

M-4121
Index No. 651303/10

Abner Properties Company,
Defendant-Respondent.
-----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 November 13, 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 February 2018 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 October 12, 2017.

PRESENT : Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

JPMC Specialty Mortgage LLC,
formerly known as WM Specialty
Mortgage LLC,
Plaintiff-Respondent,

-against-

M-3646
M-4054
Index No. 380356/13

Gary Khan,
Defendant-Appellant,

Howard Brandstein,
Defendant-Appellant,

-and-

City of New York Department of
Transportation Parking Violations
Bureau, et al.,
Defendants.

-----X

Defendant-appellant, Gary Kahn pro se, having moved to further enlarge the time to perfect the consolidated appeals taken from the orders of the Supreme Court, Bronx County, entered on or about April 10, 2015, June 9, 2015 and December 29, 2015, respectively, (M-3646),

And plaintiff-respondent having cross-moved to dismiss defendant-appellant's consolidated appeals and his second appeal from the order entered June 9, 2015 denying appellant's motion for renewal and reargument of the April 10, 2015 order (M-4054),

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 enlarging the time to perfect the previously consolidated appeals to the February 2018 Term, with no further enlargements to be

granted (M-3646). The cross motion is granted to the extent of dismissing the appeal from the order entered June 9, 2015; and dismissing the previously consolidated appeals unless perfected for said February 2018 Term (M-4054).

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 October 12, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

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

-against-

M-3096
Ind. No. 1463/14

Rafael Perez,
Defendant-Appellant.
-----x

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 8, 2015,

And defendant having moved for an order enlarging the judgment roll to include, and directing the court reporter(s) to transcribe, the minutes of the pre-plea adjournments as enumerated in Paragraph 10 of the affirmation of the moving papers,

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 judgment roll to include, and directing the Clerk of the Supreme Court, Bronx County, to have transcribed, those appearances as enumerated above, for inclusion in the record on appeal, within 30 days from the date of service of a copy of this order, which defendant's counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof, with a copy of the transcript thereof to be included in the record on appeal and another to be made available to appellant's counsel, without charge. Defendant's time in which to perfect the appeal is enlarged until 120 days after receipt of the aforesaid minutes.

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 October 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-3540
Ind. No. 1541/12

Alonzo Johnson,
Defendant-Appellant.

-----x

An order of this Court having been entered on December 29, 2015 (M-4268), inter alia, substituting Leonard J. Levenson, Esq., as assigned counsel to prosecute the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 20, 2015; 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 granted to the extent of striking the designation of Leonard J. Levenson, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven A. Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, NY 11556, Telephone No. 516-522-2828, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 October 12, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

Anonymous,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-3536

Ind. No. 1133/12

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about September 10, 2015, designating the case as *People v Anonymous*, and sealing the record on appeal, as well as all public records related to the case, and other 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 that the record on appeal and all submissions are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 October 12, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Francine Luck,
Plaintiff,

-against-

M-3661
Index No. 303132/09

Rockledge Scaffold Corp.,
Defendant,

-and-

Chedward Realty Corp.,
Defendant.

- - - - -

Rockledge Scaffold Corp.,
Third-Party Plaintiff-Respondent,

-against-

Statecourt Enterprises,
Third-Party Defendant-Respondent, Index No. 84132/12

-and-

GVA Williams Real Estate Co., et al.,
Third-Party Defendants-Appellants.

- - - - -

[And other actions.]

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 7, 2016,

And plaintiff having moved to strike a certain argument from the brief filed by third-party defendants-appellants, or 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 denied, with leave to raise the unpreserved nature of third-party defendant-appellant's argument in an opposition brief on appeal. The perfected appeal is adjourned to February 2018 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 October 12, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
JPMC Specialty Mortgage LLC,
formerly known as WM Specialty
Mortgage LLC,
Plaintiff-Respondent,

-against-

M-3963
Index No. 380356/13

Howard Brandstein,
Defendant-Appellant,

Gary Khan,
Defendant-Appellant,

-and-

City of New York Department of
Transportation Parking Violations
Bureau, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about May 21, 2015, October 29, 2015, January 12, 2016, March 28, 2016, May 27, 2016 and December 7, 2016, respectively,

And Howard Brandstein, pro se, having moved to consolidate his appeals taken from the orders of the Supreme Court, Bronx County, entered on or about October 29, 2015, January 12, 2016, and March 28, 2016 (M-3548),

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

(M-3963)

-2-

October 12, 2017

It is ordered that the motion is denied as academic, said appeals having been dismissed by an order of this Court entered on October 12, 2017 (M-3548/M-3931), decided simultaneously herewith.

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 October 12, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

JPMC Specialty Mortgage LLC,
Plaintiff-Respondent,

-against-

M-3548

M-3931

Index No. 380356/13

Howard Brandstein,
Defendant-Appellant,

Gary Khan,
Defendant-Appellant,

-and-

City of New York Department of
Transportation Parking Violations
Bureau, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about May 21, 2015, October 29, 2015, January 12, 2016, March 28, 2016, May 27, 2016 and December 7, 2016, respectively,

And Howard Brandstein, pro se, having moved for an enlargement of time to perfect his appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 27, 2016 (M-3548),

And plaintiff-respondent having cross-moved to dismiss the six aforesaid appeals (M-3931),

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 enlarge the time to perfect the appeal is denied (M-3548). The cross motion is granted and all of the above-referenced appeals are dismissed (M-3931).

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 October 12, 2017.

Present - Hon. Marcy L. Kahn, Justice Presiding,
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Eaton Vance Management, et al.,

Plaintiffs-Appellants,

-against-

M-3756
Index No. 654397/17

Wilmington Savings Fund Society, FSB,
etc., et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 28, 2017,

And plaintiffs-appellants having moved, pursuant to CPLR 5518 and 5519, for a stay of a certain transaction arising out of the aforesaid order and other injunctive relief, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiffs-appellants counsel dated July 20, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

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 October 12, 2017.

Present: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Karla Moskowitz
Barbara R. Kapnick, Justices

-----X
In the Matter of the Application of
Steven Banks, as Commissioner of
Social Services of the City of New
York,
Petitioner-Respondent,

For the Appointment of a Guardian of M-2578
the Personal Needs and Property Index No. 500290/15
Management of

Wilson C. C.,
Respondent-Appellant,

A Person Alleged to be Incapacitated.
-----X

An appeal having been taken from the order and judgment (one paper) of the of the Supreme Court, New York County, entered on or about July 21, 2016,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and upon 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 the motion is granted to the extent of permitting the appeal to be heard upon 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

CORRECTED ORDER — November 1, 2017

(M-2578)

-2-

October 12, 2017

The court reporter shall promptly make and file with the Supreme Court one transcript of the stenographic minutes of any proceedings in this matter, and 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf. The time in which to perfect the appeal is hereby enlarged to the **May** 2018 Term.

ENTERED:


CLERK