

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 September 19, 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 a Support Proceeding
Under Article 4 of the Family Court
Act.

CONFIDENTIAL

- - - - -
Lisa C., now known as Lisa B.,
Petitioner-Appellant,

M-4325
M-4277
Docket No. F-10781-07/13C

-against-

Bruce C.,
Respondent-Respondent.

-----X

Respondent-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 August 24, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4325),

And petitioner-appellant having moved for a preference with respect to her appeal (M-4277),

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

It is ordered that respondent-respondent's motion is denied and, sua sponte, the perfected appeal is adjourned to the December 2017 Term (M-4325). Petitioner-appellant's motion

is granted to the extent of maintaining the appeal on this Court's calendar for the December 2017 calendar, with no further adjournments to be granted.

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 September 19, 2017.

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

-----X
Mark Koplowitz,
Plaintiff-Respondent,

-against-

M-4327
Index No. 301160/12

Edwin King,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 8, 2016, and said appeal having been perfected,

And plaintiff-respondent having moved for an extension of time to file a respondent's brief and a supplemental record on 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 adjourning the appeal to the February 2018 Term; plaintiff-respondent is directed to file his respondent's brief on or before January 3, 2018 for said February 2018 Term. The motion is otherwise denied without prejudice to plaintiff-respondent moving, if so advised, for leave to file a supplemental record on appeal, such motion to be on notice, returnable on or before December 4, 2017.

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 September 19, 2017.

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

-----x

George Peters,
Plaintiff-Appellant,

-against-

M-4459
Index No. 600482/07

Stelios Coutsodontis,
Defendant-Respondent,

General Maritime Enterprises
Corporation, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 18, 2016, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to file a supplemental record in connection with the aforesaid appeal to include the memorandum in support of plaintiff's motion for summary judgment and in opposition to defendant-respondent's motion for summary judgment,

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 plaintiff-appellant is directed to file the original and eight copies of the supplemental record on appeal, in the form attached to the moving papers, within seven days after the date of the entry of this order.

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 September 19, 2017.

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

-----X
Commerce and Industry Insurance
Company,
Plaintiff-Appellant,

-against-

M-4484
Index No. 150620/15

Delta Environmental, Inc., et al.,
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 July 26, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 19, 2017.

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

-----X
601 West Realty, LLC,
Petitioner-Landlord-Respondent,

-against-

M-2976
Index No. 570688/16

Mao Chu Zheng, doing business as,
Brothers Fish Market, etc.,
Respondent-Tenant-Appellant,

"XYZ Corp., "John Doe," and "Jane Doe,"
Respondents-Undertenants.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about February 28, 2017, and to stay the warrant of eviction pending the hearing and determination of the appeal,

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

It is ordered that the motion is granted, and the warrant of eviction is stayed pending the determination of the appeal and on the condition that tenant is to continue to pay use and occupancy, without prejudice to either party, such funds to be held in escrow by petitioner-landlord's attorney. Appellant shall file two copies of the pre-argument statement, and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTERED:



CLERK

CORRECTED ORDER - September 29, 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 September 19, 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-

Debbie Busgith,

Defendant-Appellant.
-----X

M-3427
Ind. Nos. 1434/14
1439/14

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

CORRECTED ORDER – September 29, 2017

(M-3427)

-2-

September 19, 2017

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:



CLERK

CORRECTED ORDER - September 29, 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 September 19, 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-

Debbie Busgith,

Defendant-Appellant.
-----X

M-3427
Ind. Nos. 1434/14
1439/14

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

CORRECTED ORDER – September 29, 2017

(M-3427)

-2-

September 19, 2017

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-

Randy Colon,
Defendant-Appellant.

M-3576
Ind. Nos. 5073/10
2527/11

-----X

An order of this Court having been entered on January 12, 2016 (M-4674) substituting Leonard J. Levenson, Esq., as counsel to prosecute the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 9, 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 assigned counsel Leonard J. Levenson, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 September 19, 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-3642
Ind. No. 2083/17

Keith Wilcher,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 27, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-

Lance Williams,
Defendant-Appellant.

M-3796
Ind. Nos. 1473/13
3408/12

-----X

An order of this Court having been entered on November 5, 2015 (M-4660), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 15, 2015, and assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, 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., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, 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 September 19, 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

Farida A.,
Muhammad A.,
Amir A.,
Laila A.,
and Yusuf A.,

CONFIDENTIAL
M-3908

Docket Nos. NA-31057-61/16A
NA-38365-69/16

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

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

Abdoulkader T., also known as
Abdoul K.T.,
Respondent-Appellant.

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

-----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 May 16, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-1560, 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 September 19, 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

The C. and L. Children,

CONFIDENTIAL
M-3911

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

Docket Nos. NA-6541/17
NA-6542/17
NA-6543/17
NA-6544/17

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

Sophia W.,
Respondent-Appellant,

Nivarrio M.,
Respondent-Respondent.

- - - - -

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

Jessica Cuadrado, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 6, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-156, 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 September 19, 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.

Ishmael D.,
Petitioner-Appellant,

CONFIDENTIAL
M-3919

Docket No. O-888/17

-against-

Yaw B.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 18, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, New York 10538, Telephone No. (914) 419-8407, 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 September 19, 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.

CONFIDENTIAL
M-3921

- - - - -
Guadalupe F.,
Petitioner-Appellant,

Docket No. O-27027/16

-against-

Randy S.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 5, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. (718) 883-1560, 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 September 19, 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.

- - - - -
Ezequiel L.-V.,
Petitioner-Appellant,

CONFIDENTIAL
M-4416
Docket No. P-40795/15

-against-

Pablo A. and Ines Mendez P.,
Respondents-Respondents
- - - - -

Kenneth M. Tuccillo, Esq.,
Attorney for the Child.
-----X

Brian J. Carley, Esq., court attorney for the subject child, Paul A., having moved on the child's behalf 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 June 27, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §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 on the child's behalf; (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. The perfected appeal is adjourned to the December 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 September 19, 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,

CONFIDENTIAL

M-4207

-against-

Ind. No. 939/16

Hector Hernandez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Fabrizio, J.), entered on or about June 2, 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 Fabrizio as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., The Legal Aid Society, 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 September 19, 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-3976
Ind. No. 20079/17

Benjamin Velez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-4071
Ind. No. 5396/15

Michael Avery,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-4072

Ind. No. 1632/15

Serge C. Theronier,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 18, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 September 19, 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-4345

Ind. No. 539/17

Issa Diba,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 7, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 September 19, 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-4418
Ind. No. 4798/16

Anthony Lopez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-

Jesus Hernandez,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-4421

Ind. No. 7414/93

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Fitzgerald, J.), entered on or about March 17, 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 Fitzgerald 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.

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 September 19, 2017.

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

-----X

In re John C. Leo,
Petitioner-Respondent,

-against-

M-3443
Index No. 153777/15

LD Holdings, Inc. formerly known as
Leisure Direct, Inc.,
Respondent-Appellant.

-----X

Respondent-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 30, 2017 (Appeal No. 4134),

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 September 19, 2017.

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

-----X

In re Marat Fronshtein,
Petitioner-Appellant,

-against-

M-3344

Index No. 102074/15

Rick D. Chandlet, etc., 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 23, 2017 (Appeal No. 4090),

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 September 19, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

Patrick Nunziante, et al.,
Plaintiff-Respondent,

-against-

M-2968
Index No. 112504/08

New York Quarterly Meeting of The
Religious Society of Friends, et al.,
Defendants-Appellants.

- - - - -

New York Quarterly Meeting of The
Religious Society of Friends, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Index No. 590900/09

Liberty Contracting Corp.,
Third-Party Defendant,

Kaback Enterprises, Inc., et al.,
Third-Party Defendants-Respondents.

- - - - -

[And Another Action]

-----X

Third-party defendant-respondent Kaback Enterprises, Inc.,
having moved for reargument of the decision and order of this
Court, entered on April 20, 2017 (Appeal Nos. 3789-3790),

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 September 19, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----x
Help Me See, Inc.,
Petitioner-Respondent,

For an Order Pursuant to Article 75
of the CPLR Confirming an Arbitration
Award,

M-4458
Index No. 655667/16

-against-

WonderWork, Inc., formerly known as
Surgery for the Poor, Inc.,
Respondent-Appellant.

-----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 December 2, 2016, and said appeal having been perfected,

And non-party donors Clark Kokich, Joseph E. Mullaney, the Walter Haefner Foundation and the Bedford Falls Foundation Charitable Trust having renewed their motion for leave to intervene in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal to the December 2017 Term, granting the non-party donors leave to file a brief as intervenors, with an appendix to consist of this order and the documents set forth in their current moving papers as Vol. 1, Ex. 2 [B, C, D and E]), on or before October 2, 2017, and granting

petitioner-respondent leave to file a brief which solely addresses the arguments advanced in the brief filed by the intervenors, on or before November 1, 2017. The intervenors will not be permitted to file a reply brief.

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 September 19, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Richard Kallop, et al.,
Plaintiffs-Respondents,

-against-

M-4533

Index No. 26628/16

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

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

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 12, 2017, and the direct appeal having been perfected,

And an order Of this Court having been entered on May 2, 2017 (M-1731), granting defendants-appellants-respondents a stay of the aforesaid order on condition that defendants-appellants-respondents perfect their appeal for the September 2017 Term,

And an order of a Justice of this Court, dated August 21, 2017, having continued the aforesaid stay on an interim basis, pending the determination of this motion,

And defendants-appellants-respondents having moved to extend the existing interim stay of enforcement of the Supreme Court order pending determination of the perfected appeal,

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

It is ordered that defendants-appellants-respondents' motion is granted to the extent that plaintiffs' rights to close date are stayed, but such rights to close are preserved and the co-op unit is not to be sold or otherwise transferred, or any additional actions taken in furtherance of a sale to any party other than plaintiffs during the pendency of the appeal; the interim stay, dated August 21, 2017, is vacated to the extent it is inconsistent with this decision.

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 September 19, 2017.

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

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

- - - - -
Manuel M.,
Petitioner-Respondent,

CONFIDENTIAL
M-3708
IDV Docket No. 4/13

-against-

Audry S.,
Respondent-Appellant.

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

-----x

An appeal having been taken from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about June 9, 2015,

And an order of this Court having been entered on May 2, 2017 (M-1060), inter alia, denying respondent-appellant's motion to withdraw the appeal, with leave to renew, as indicated,

And respondent-appellant having renewed their motion to withdraw the appeal,

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

It is ordered that the motion is granted, and the appeal is withdrawn.

ENTERED:


CLERK

CORRECTED ORDER - September 20, 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 September 19, 2017.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
John Quealy Irrevocable Life Trust,
Plaintiff-Appellant,

-against-

M-3949
Index No. 150684/12

Axa Equitable Life Insurance Company,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 20, 2017 (Appeal Nos. 4309, 4309A, 4309B),

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 September 19, 2017.

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

-----X

Greg Waltman and the G1 Quantum
Fund, LLC,
Plaintiffs-Appellants,

M-2918
Index No. 162168/14

-against-

Time Warner Inc., et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on May 4, 2017 (M-1338), denying plaintiffs-appellants' motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 26, 2017 (Appeal Nos. 3901-2901A),

And plaintiff-appellant having moved for reargument of the aforesaid 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 denied. No further applications with respect to this appeal will be entertained without the permission of the Clerk of the 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 September 19, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
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 to strike the corrected brief, for dismissal of the aforesaid appeal or, in the alternative, to adjourn the appeal, and for the award of certain costs,

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 addressing the issues in the plaintiff-respondent's brief.

ENTERED:



CLERK

CORRECTED ORDER - October 16, 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 September 19, 2017.

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

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

-against- M-2821
Ind. Nos. 195/12
Armando Rodriguez, 6161/11
Defendant-Appellant.

-----X

An order of this Court having been entered on November 14, 2013 (M-5052), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 7, 2013, and assigning Steven Banks, Jr., Esq., predecessor counsel to Seymour W. James, Jr., 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 Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, 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 September 19, 2017.

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

-----X

In re Lisa Broad,
Petitioner-Respondent,

-against-

M-3093
Index No. 101304/14

The New York City Board/Department
of Education,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 9, 2017 (Appeal No. 3754N),

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 September 19, 2017.

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

-----x

Mark Robert Gordon,

Plaintiff-Appellant,

-against-

M-3340

Index No. 157456/13

ROL Realty Company, et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to file a motion for reargument of the decision and order of this Court, entered on May 11, 2017 (Appeal No. 3961-3962),

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 plaintiff-appellant is permitted to file the motion for reargument no later than thirty days from the date of entry of this order.

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 September 19, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X
Trasey Barres,
Plaintiff-Appellant,

-against-

M-4190
Index No. 306865/09

Martina M. Crank and Philip J.
Crank,
Defendants-Respondents.

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2018 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 19, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Wimbledon Financing Master Fund,
Ltd.,
Plaintiff-Appellant,

-against-

M-2984
Index No. 653468/15

Weston Capital Management LLC,
et al.,
Defendants,

Marshall Manley,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 4, 2017 (Appeal Nos. 3905, 3906, 3907),

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 September 19, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Magaly Rojas,
Plaintiff-Respondent,

-against-

New York Elevator & Electric Corporation, et al.,
Defendants-Respondents-Appellants,

M-3306
Index No. 21532/12E

45 West Hotel Limited Partnership,
Defendant-Appellant-Respondent,

Rockirose Development Corporation,
Defendant.

- - - - -
[And a Third-Party Action]

-----X
Defendant-appellant-respondent having moved for reargument of the decision and order of this Court, entered on May 18, 2017 (Appeal Nos. 3903-3904),

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 September 19, 2017.

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

-----x
Colonial Surety Company,

Plaintiff-Respondent,

-against-

M-3062
Index No. 603656/08

Eastland Construction, Inc., et al.,

Defendants-Appellants.
-----x

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 11, 2016 and a judgment, same court and Justice, entered on or about December 6, 2016,

And defendants-appellants having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect the consolidated appeals, or for alternative 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 defendants-appellants 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. The time to perfect the consolidated appeals is enlarged 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 September 19, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Mark A. Solano, et al.,
Plaintiffs-Respondents,

-against-

Skanska USA Civil Northeast
Inc., et al.,
Defendants,

M-2238
M-2418
Index Nos. 24098/13
84008/14

Durr Mechanical Construction, Inc.,
also known as "DMC," also known as
"Durr," also known as Durr Mechanical
Cont. Inc., et al.,
Defendants-Appellants.

- - - - -
[And a Third-Party Action]

-----X
Plaintiffs-respondents having moved (M-2238), and defendants-appellants Durr Mechanical Construction, Inc., etc., et al., having cross-moved (M-2418) 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 28, 2017 (Appeal No. 3556),

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

It is ordered that the motions are 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 September 19, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Karla Moskowitz
Paul G. Feinman, Justices.

-----X
Jennifer M. Pugh,
Petitioner-Appellant,

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

M-3508
Index No. 101000/12

-against-

Raymond Kelly, as Police Commissioner
of the City of New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court (M-6591/M-1002), entered on May 11, 2017, dismissing the appeal as untimely,

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 September 19, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Art Capital Group, LLC,

Plaintiff-Appellant,

-against-

M-3922
Index No. 160445/15

Carlyle Investment Management LLC,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on June 20, 2017 (Appeal No. 4333),

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 September 19, 2017.

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

-----X

In re Terrilee 97th Street LLC,
Petitioner,

-against-

M-1242
Index No. 101551/13

New York City Environmental
Control Board,
Respondent.

-----X

Petitioner having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 31, 2017 (Appeal No. 2924),

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 September 19, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
U.S. Bank National Association, solely
in its capacity as Trustee of the Asset
Backed Securities Corporation Home Equity
Loan Trust, Series AMQ 2006-HE7
(ABSHE 2006-HE7),
Plaintiff-Respondent,

-against-

M-3209
Index No. 653140/15

DLJ Mortgage Capital, Inc.,
Defendant,

-and-

Ameriquest Mortgage Company,
Defendant-Appellant.

-----X

Defendant-appellant having renewed its motion for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 19, 2017 (Appeal No. 2790),

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 September 19, 2017.

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

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

The Home of Sages of Israel, Inc.,
(Beth Tomche Torah Vezikneh Yisroel) M-4157
also known as Beth Tomche Torah Index No. 153111/15
Vezikneh Yisroel, Inc., and also
known as Home of the Sages of Israel,
Petitioner-Appellant,

For Leave to Sell Real Property.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 20, 2016, and said appeal having been perfected,

And, objector-respondent having moved to dismiss the appeal for failure to assemble a proper record, or in the alternative, for leave to file a supplemental record containing certain hearing testimony and to adjourn said 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 only to the extent of adjourning the appeal to the January 2018 Term (respondent's deadline December 6, 2017) and is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 19, 2017.

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

-----x

In Re: New York City Asbestos Litigation

This Document Relates To:

ALL CASES

M-3859

M-4213

Index Nos. 40000/88
782000/17

-----x

An appeal having been taken to this Court from the case management order of the Supreme Court, New York County, entered on or about June 20, 2017,

And an interim stay of the order, with certain conditions, having been granted by a Justice of this Court on July 19, 2017,

And defendants-appellants having moved for a stay of the aforesaid order pending hearing and determination of the aforesaid appeal (M-3859),

And plaintiffs-respondents having cross-moved for dismissal of the aforesaid appeal (M-4213),

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

It is ordered that the motion and cross motion are denied, and the interim relief granted by the order of a Justice of this Court, dated July 19, 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 September 19, 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 Application for an Order Permanently Staying the Arbitration Between National Union and Fire Insurance Company of Pittsburgh, PA,
Petitioner-Respondent,

-against-

M-3133
Index No. 652464/15

Pierre D. Estime,
Respondent,

Anthony Peterson and RJA Elizabeth Marcano,
Proposed Additional Respondents,

Titan Indemnity Insurance Co.,
Proposed Additional Respondent-Appellant.

-----x

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 8, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 15, 2017, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 September 19, 2017.

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

Justice Presiding,

Justices.

-----X

1279 St. Johns Place, LLC,

Plaintiff-Respondent,

-against-

M-3997
Index No. 32082/16

Latou Realty Corp., et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 6, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 19, 2017.

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

-----X

Pedro Cuni,

Plaintiff-Respondent,

-against-

M-4114
Index No. 100716/12

834 Riverside Drive Housing
Development Fund Corporation, et al.,

Defendants-Appellants.

-----X

Defendants-appellants 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 November 2, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 19, 2017.

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

-----X

Rosemary Powers, et al.,

Plaintiffs-Appellants,

-against-

M-4117

Index No. 102202/15

Citibank, N.A., et al.,

Defendants-Respondents,

-----X

Plaintiffs-appellants 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 May 20, 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 January 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 September 19, 2017.

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

Justice Presiding,

Justices.

-----X

Oliver Johnson,

Plaintiff-Appellant,

-against-

675 Coster Street Housing
Development Fund, et al.,

M-4201
Index No. 301361/12

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about June 24, 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 January 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 September 19, 2017.

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

-----X

Eric Sorenson,

Plaintiff-Appellant,

-against-

M-4257
Index No. 158124/15

Winston & Strawn, LLP,

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 June 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 January 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 September 19, 2017.

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

-----X

Phyllis Algernon,

Plaintiff-Appellant,

-against-

M-4258
Index No. 21018/14

St. Barnabas Hospital, et al.,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about August 4, 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 January 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 September 19, 2017.

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

-----X
Veg 83, LLC,
Plaintiff-Respondent,

-against-

M-4287
Index No. 158216/15

JTED83, Inc., and Ron Braverman,
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 4, 2016, and said appeal having been perfected,

And plaintiff-respondent having moved to adjourn the aforesaid appeal; dismiss defendants-appellants appeal; strike the appendix as incomplete, or, in the alternative, to supplement the record on appeal to add a judgment entered on September 29, 2016 and a stipulation filed on October 19, 2016, amending the caption; and to amend the caption in this Court to conform with said October 18, 2016 stipulation,

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 adjourning the appeal to the February 2018 Term; granting dismissal of the appeal as taken by defendant JTED83, Inc., unless defendant complies with CPLR 321(a) on or before November 24, 2017, and retains appellate counsel to appear on said defendant's behalf and unless said counsel by December 4, 2017, either perfects on said defendant's behalf by a separate appellant's brief or advises the Court in writing that said defendant will not be filing a separate brief. Plaintiff is granted leave to file a supplemental appendix containing the September 29, 2016 judgment and the stipulation amending the caption filed October 18, 2016.

This Court takes judicial notice of said exhibits. The caption is amended to read as indicated in the parties' stipulation as set forth in Exhibit B to the motion papers. The motion is otherwise 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 September 19, 2017.

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

-----X
Howard Leader and Angie Leader,
Plaintiffs-Respondents,

-against-

M-4233
Index No. 153854/16

Parkwise Group and George Attard,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 24, 2017, from an order and judgment (one paper) entered on or about June 12, 2017, and from an order entered on or about August 4, 2017,

And defendants-appellants having moved to stay the aforesaid orders and judgment, pending hearing and determination of the appeals, for consolidation of the appeals, and for an enlargement of time to perfect same,

And an interim stay of the aforesaid order and judgment having been granted by an order of a Justice of this Court, on August 7, 2017,

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

It is ordered that the motion is granted to the extent of staying only that portion of the June 12, 2017 order and judgment declaring that the subject apartment is subject to rent stabilization and directing defendants to register the apartment as rent stabilized, and the August 4, 2017 order insofar as it denied reargument with prejudice, and otherwise denied, without prejudice to defendants securing an undertaking to obtain an automatic stay pursuant to CPLR §5519.

The time in which to perfect the appeals, which are hereby consolidated, is enlarged to the February 2018 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' points covering the aforesaid appeals. The interim stay granted on August 7, 2017 is vacated to the extent it is inconsistent with the recommendation.

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 September 19, 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

Armoni Malik Kariem I.,
also known as Armoni M. Kariem I.,
also known as Armoni Malik K. I.,
also known as Armoni Malik I.,
also known as Armoni Kariem I.,
also known as Armoni I.,
also known as Armani Malik Kariem I.,
also known as Armani M. Kariem I.,

CONFIDENTIAL

M-4316
Docket Nos. B-34978/14
B-34979/14
B-34980/14
NN-26918/11
NN-26919/11
NN-26920/11

Jayden Tyshawn W.,
also known as Jayden T. W.,
also known as Jayden W.,

and "No Given Name" W.,
also known as Shawn W.,

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

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

Jasmine Mari W., also known as Jasmine W.,
Respondent-Appellant.

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

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from orders of the Family Court, New York County, entered on or about July 5, 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 January 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 September 19, 2017.

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

-----X
Luisa Esposito,
Plaintiff-Appellant,

-against-

M-3474
Index No. 570327/10

Allen H. Issac, etc., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department entered in the office of the Clerk of the Supreme Court, New York County, on or about January 27, 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 September 19, 2017.

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

-----x
Saxon Mortgage Services, Inc.,
Plaintiff-Respondent,

-against-

M-3952
Index No. 381157/07

Abigail Ajala,
Defendant-Appellant,

-and-

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 24, 2017,

And defendant-appellant having moved to stay the ten-day notice to vacate the apartment, pending hearing and determination of the aforesaid appeal,

And an interim stay having been granted by an order of a Justice of this Court on July 24, 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 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 September 19, 2017.

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

-----X
Efrain Maldonado, Jr.,
Plaintiff-Appellant,

-against-

San Yoong Chear and Ng Thian Huat,
Defendants-Respondents.

M-3979
Index No. 101507/11

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 9, 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 and the appeal is dismissed.

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 September 19, 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-4035
Ind. No. 3184/00

Marcos Rodriguez, also known as Marcos
Rodriquez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 10, 2002, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 4, 2017 for the February 2018 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. Defendant-appellant may seek an additional enlargement, if necessary, to prepare his supplemental brief.

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 September 19, 2017.

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

-----X
Cesar A. Benitez,
Plaintiff-Respondent,

-against-

M-4057
Index No. 300659/11

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

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

-against-

Third-Party
Index No. 84104/11

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

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2018 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 19, 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 Application of
Joan David,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4112
of the Civil Practice Law and Rules, Index No. 100570/16

-against-

New York City Housing Authority,
Respondent-Respondent.
-----x

Respondent-respondent New York City Housing Authority having moved for dismissal of the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 1, 2016,

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

It is ordered that the motion is granted and the appeals are dismissed.

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 September 19, 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-3789

Ind. No. 4070N/16

Juan Flores Urena,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 September 19, 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-3792

Ind. No. 1650/14

Felix Rodriguez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 17, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 September 19, 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-3793

Ind. No. 5454N/14

Fiore Caruso,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 7, 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.

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 September 19, 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-3795

Ind. No. 4977/12

Jermal Perry,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 17, 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.

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 September 19, 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

Appellant,

-against-

M-4082
Ind. No. 676/16

Omar DeLeon,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 8, 2016, and said appeal having been perfected,

And defendant-respondent having moved for an enlargement of the record on appeal to include the grand jury minutes connected with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing that said grand jury minutes filed by the People in this Court remain under seal for in camera review, and the motion is otherwise denied. Sua sponte, the perfected appeal is adjourned to the December 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 September 19, 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-4122
Ind. No. 3159/16

Bilal Haamid,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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-4124
Ind. No. 729/16

Gregory Anderson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 19, 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 Application of
Patricia McCauley,
Petitioner-Appellant,

For a Judgment Under Article 78 of
the CPLR,

M-4194
Index No. 100634/14

-against-

William J. Bratton, etc., et al.,
Respondents-Respondents.

-----x
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 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 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 September 19, 2017.

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

-----x
Douglas Elliman LLC,

Plaintiff-Appellant,

-against-

M-4243
Index No. 650440/12

Shoshana Tal, 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 15, 2017, and said appeal having been perfected,

And defendants-respondents having move to adjourn the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the December 2017 Term, with no further adjournments to be granted.

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 September 19, 2017.

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

-----X
Jahmai Samuel and Alessa Velez,
Plaintiffs-Respondents,

-against-

M-4267
Index No. 21967/14

Danny Chau,
Defendant-Appellant,

Nguyen's Realty Corporation,
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 5, 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 January 2018 Term, with leave to seek additional enlargements, if necessary.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 19, 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-4268
Ind. No. 589/12

John Draper,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2014, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 4, 2017 for the February 2018 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. Defendant-appellant my seek an additional enlargement in order to prepare his supplemental brief.

ENTERED:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-2369, M-2577
Ind. No. 1080/98

-against-

Michael Wilson,

CERTIFICATE
DENYING LEAVE

Defendant.

-----X
I, Peter Tom, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that, upon application
timely made by the above-named defendant for a certificate
pursuant to Criminal Procedure Law, sections 450.15 and 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the order of the Supreme Court, Bronx County, entered
on or about March 27, 2017 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: August 10, 2017
New York, New York

ENTERED SEP 19 2017

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2396
Ind. No. 3038/96

-against-

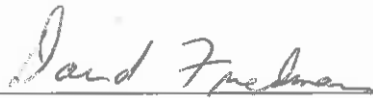
CERTIFICATE
DENYING LEAVE

Trevor Burns,
Defendant.

-----X

I, DAVID FRIEDMAN, 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, section 460.15,
and upon the record and proceedings herein, there is no question
of law or fact presented which ought to be reviewed by the
Appellate Division, First Judicial Department, and permission to
appeal from the Order of the Supreme Court, New York County,
entered on or about March 31, 2017, is hereby denied.

Dated: New York, New York
August 30, 2017



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

SEP 19 2017

✓

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

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

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

M-4086
Ind. No. 10878/91

-against-

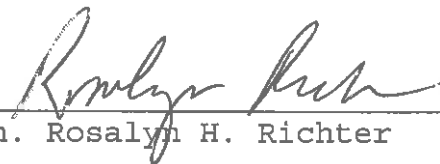
ORDER DENYING
LEAVE UPON
RENEWAL

Carl Wells,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, the application made by the above-named defendant for renewal of the order of a Justice of this Court (M-1302), entered on June 27, 2017, which denied his motion for a certificate pursuant to Criminal Procedure Law Section 460.15, is hereby denied.



Hon. Rosalyn H. Richter

Dated: September 6, 2017
New York, New York

ENTERED: **SEP 19 2017**

✓

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division
-----X

The People of the State of New York,

M-2689
Ind. No. 8131/97

-against-


CERTIFICATE
DENYING LEAVE

Archie Cosey,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 21, 2016, is hereby denied.


Associate Justice

Dated: September 5, 2017
New York, New York

ENTERED: SEP 19 2017

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

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

-against-

M-6151 & 4017
Bronx SCI 2490/10

CERTIFICATE
GRANTING LEAVE

Maximo Mazzini-Martinez,

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about May 13, 2016.¹

Dated: *September 5*, 2017
New York, New York

[Handwritten Signature]

Hon. Karla Moskowitz
Associate Justice

ENTERED SEP 19 2017

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-3844
Ind. No. 2099/14

-against-

CERTIFICATE
DENYING LEAVE

Arthur Blake

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 5, 2017, is hereby denied.



Associate Justice

Dated: September 1, 2017
New York, New York

ENTERED: SEP 10 2017

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-3816
Ind. No. 1360/09

-against-


CERTIFICATE
DENYING LEAVE

Ekkehart Schwarz

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 21, 2017, is hereby denied.



Associate Justice

Dated: September 1, 2017
New York, New York

ENTERED: **SEP 19 2017**

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-3845
Ind. No. 3997/96

-against-

CERTIFICATE
DENYING LEAVE

Sergey Shtilman

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 31, 2017, is hereby denied.



Associate Justice

Dated: September 1, 2017
New York, New York

ENTERED: **SEP 19 2017**

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

✓

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 4142
Ind. No. 3187/96

-against-

CERTIFICATE
DENYING LEAVE

Michael Pendergrass,

Defendant.

-----X

I, Cynthia S. Kern, 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, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Ruth Pickholz, J.), entered on or about April 20, 2017, is hereby denied.

Dated: September 7, 2017
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: **SEP 19 2017**

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

BEFORE: Hon. Cynthia S. Kern
Justice of the Appellate Division

-----X

The People of the State of New York,

M-3185
Ind. No. 5583/2003

-against-

CERTIFICATE
GRANTING LEAVE

Oscar Santos,

Defendant.

-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, certify that defendant's application for a certificate pursuant to Criminal Procedure Law sections 450.15 and 460.15 presents questions of law or fact which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is granted to defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, issued on the record on March 28, 2017.¹

Dated: August 2, 2017
New York, New York

ENTERED SEP 19 2017

CSK

Hon. Cynthia S. Kern
Associate Justice

NOTICE: Within 15 days from the date of this certificate, an appeal must be taken and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or one of its justices.

¹ Defendant does not have a pending direct appeal of the underlying judgment rendered in this case.

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

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 3456
Ind. No. 3733/2010

-against-

CERTIFICATE
DENYING LEAVE


Kermitt Smith,

Defendant.

-----X

I, Cynthia S. Kern, 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, 460.10 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (John W. Carter, J.), dated May 16, 2017, is hereby denied, and the application for poor person relief is therefore denied as moot.

Dated: August 1, 2017
New York, New York



Hon. Cynthia S. Kern
Associate Justice

SEP 19 2017

ENTERED:



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 September 19, 2017.

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

-----X
Island Intellectual Property LLC and
Double Rock Corporation,
Plaintiffs-Respondents,

-against-

M-4118
Index No. 651702/15

Reich & Tang Deposit Solutions, LLC,
Reich & Tang Asset Management, LLC
and Michael Lydon,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 14, 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 September 19, 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-4280
M-4259
Ind. No. 5899N/13

Hector Colon,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 21, 2015,

Now, upon reading and filing the stipulations of the parties hereto, dated August 7, 2017 and August 9, 2017, and due deliberation having been had thereon,

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

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 September 19, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
Ke Kailani Partners, LLC, a Hawaii
limited liability company,
Petitioner-Respondent,

-against-

M-4391
Index No. 104025/12

Michael J. Fuchs, and Ke Kailani
Development, LLC, a Hawaii limited
liability company,
Respondents-Appellants.

-----X

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

And respondents-appellants having moved to stay the aforesaid order and to set a bond to secure the stay at no more than a certain undertaking already posted, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied, without prejudice to respondents seeking an automatic stay.

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 September 19, 2017.

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

-----X
MFB Realty LLC, etc., et al.,

Plaintiffs-Appellants,

-against-

M-4136
Index No. 653549/14

Ian Bruce Eichner, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants 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 June 29, 2016, **and from the ensuing judgment, entered on or about August 19, 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 January 2018 Term, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK