

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 November 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Legacy Builders/Developers Corp.,  
Plaintiff-Respondent-Appellant,

-against-

M-4554  
M-4593  
Index No. 154214/15

Sentinel Insurance Company, Ltd.,  
Defendant-Appellant-Respondent,

June Electric Corp.,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2015,

And, plaintiff-respondent-appellant having moved for an enlargement of time to perfect its cross appeal (M-4554),

And, defendant-appellant-respondent having moved for an enlargement of time to perfect its appeal from the aforesaid order (M-4593),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeals to the March 2017 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Paul Gottbetter & Gottbetter &  
Partners, LLP,  
Plaintiffs-Respondents,

-against-

M-4401  
Index No. 652715/15

Crone Kline Rinde, LLP & CKR Law LLP,  
Defendant-Appellant.

-----X  
CKR Law LLP, formerly known as  
Crone Kline Rinde, LLP,  
Third-Party Plaintiff,

-against-

Adam Gottbetter, Venturini &  
Associates and August Venturini,  
Third-Party Defendants.

-----X

Defendant-appellant, CKR Law LLP, having moved for an enlargement of time to perfect its appeal from an order of the Supreme Court, New York County, entered on or about March 8, 2016,

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

It is ordered that the motion is 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 November 22, 2016.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz,

Justice Presiding,  
  
Justices.

-----X

In re Raymond Castro,  
Petitioner-Appellant,

-against-

M-4071

Index No. 101472/13

Dr. Dora Schriro, etc., et al.,  
Respondents-Respondents.

-----X

Respondents-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 28, 2016 (Appeal No. 366),

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

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

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

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

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 November 22, 2016.

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

-----x  
James Couri,

Plaintiff-Appellant,

-against-

M-5165  
Index No. 113512/08

John Siebert and John W. Siebert, MD. PC.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 27, 2016, and for other relief,

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

It is ordered that the motion is 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 November 22, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

Ryoneal Richards,  
Defendant,

**M-5045**

**M-5167**

Docket Nos. 2016BX031890  
2426/16

In the Matter of Grand Jury Subpoena  
Duces Tecum Served on K.W.,  
Movant-Appellant.

-----X

Appellant having moved for leave to withdraw the purported appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 11, 2016, or in the alternative, for an enlargement of time to perfect said appeal (M-5045),

And, the People having cross-moved for vacatur of the stay set forth in an order of this Court entered on August 18, 2016 (M-5167),

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn (M-5045). The cross motion is granted to the extent of vacating the stay granted by the order of this Court entered on August 18, 2016 (M-5167), without prejudice to proceedings in Supreme Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In Re Gateway Plaza Residents Litigation M-558X  
Index No. 651023/14

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" October 3, 2016, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT:	Hon. Peter Tom,	Justice Presiding,
	Angela M. Mazzarelli	
	David Friedman	
	John W. Sweeny, Jr.	
	Rolando T. Acosta,	Justices.

-----X

Bridgette Belton,  
Plaintiff-Respondent,

-against-

M-5159X  
Index No. 303275/12

LAL Chicken, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" October 3, 2016, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Nicole Degar,  
Plaintiff-Respondent,

-against-

M-5194X  
Index No. 303998/14

Maria Barreto and Robert A. Salerno,  
Defendants-Appellants.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" October 13, 2016, and due deliberation having been had thereon,

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

**CONFIDENTIAL**

- - - - -

Lydia M., M-5003  
Petitioner-Respondent, Docket No. O-09614/13

-against-

Octavis U.,  
Respondent-Appellant.  
-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about April 28, 2015,

Now, upon reading and filing the affirmation by Israel P. Inyama, Esq., counsel for respondent-appellant, dated September 20, 2016, and due deliberation having been had thereon,

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

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 November 22, 2016.

Present:	Hon. Peter Tom,	Justice Presiding,
	Angela M. Mazzarelli	
	David Friedman	
	John W. Sweeny, Jr.	
	Rolando T. Acosta,	Justices.

-----X

Vincenzo Giambrone,

Plaintiff-Appellant,

-against-

**M-5168**

Index No. 161863/13

1285 LLC, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 21, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated September 30, 2016 , and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X  
Mara Mortman, as Mother and Natural  
Guardian of Zachary Mortman, an infant  
under the age of 18 Years,

Plaintiff-Appellant,

**M-4492**

Index No. 800013/12

-against-

Christine E. Burbige, as Executrix of  
the Estate of Kevin A. Burbige, et al.,

Defendants-Respondents.

-----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 August 18, 2015,

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

It is ordered that the motion is granted and the appeal  
is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Tariq B.,  
and Aisah Nevaeh Sadie B.,

**CONFIDENTIAL**

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

**M-4211**  
Docket Nos. NN-3240/15  
NN-3241/15

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

Danielle W.,  
Respondent,

Hakim B.,  
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 from an order of the Family Court, Bronx County, entered on or about June 29, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. (914) 793-7534, 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 therefor;<sup>1</sup> **within 30 days (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

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<sup>1</sup>Service 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 November 22, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against- M-4617  
Ind. No. 305/14  
Sean Charles Hernandez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a  
notice of appeal from the judgment of the Supreme Court, Bronx County,  
rendered on or about February 4, 2016, for leave to prosecute the  
appeal as a poor person upon the original record and upon a reproduced  
appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:

  
CLERK

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 November 22, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of the Guardianship of  
the Persons and Custody of

**CONFIDENTIAL**

Antonio James L.,  
Romeo Jayce L.,  
and Zoey Jolie L.,

**M-4705**

Docket Nos. B-33763/15  
B-33764/15  
B-33765/15

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

- - - - -

Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

Eric David L.,  
Respondent-Appellant,

Emily L.,  
Respondent-Appellant.

- - - - -

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

-----X

In the Matter of a Custody/Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

- - - - -

Ashley and Christopher J.,  
Petitioners-Respondents,

**M-4706**

Docket Nos. V-34893/15  
V-34892/15  
V-32293/16

-against-

Eric David L. and Emily L.,  
Respondents-Appellants.

-----X

Respondent-appellant father, Eric David L., having moved for leave to prosecute, as a poor person, the appeal taken from the orders of the Family Court, New York County, entered on or about June 10, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4705),

And, respondent-appellant mother, Emily L., having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about June 10, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4706),

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

Ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York 11753, Telephone No. (516) 942-4221, as counsel for purposes of prosecuting the respondents/parents' appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellants to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellants are directed to perfect their appeals, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

<sup>1</sup>Service 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 November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against-

M-4861  
Ind. No. 3188/14

Erik Morales,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about August 24, 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 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4982  
Ind. No. 2603N/15

Lawrence Rivera,  
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, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4983  
Ind. No. 664/15

Rafael Rivera,  
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 10, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4984  
Ind. No. 1361/15

Harvel Robinson,  
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 April 14, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4985  
Ind. No. 2605/14

Jose Rodriguez,  
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 April 6, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4986  
Ind. No. 4219/15

Robert Rodriguez,  
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 April 13, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4987  
Ind. No. 1062/14

Craig Sadowski,  
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 May 16, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4988  
Ind. No. 4506/14

Adan Sanchez-Perez,  
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 May 3, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-4989  
Ind. No. 4434/12

Jeremy Sanchez,  
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 April 11, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5002  
Ind. No. 4910/15

Randall Scott,  
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 8, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5005  
Ind. No. 5129/12

Shamakh Siddiqi,  
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 April 14, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5006  
Ind. No. 4884/12

Duval Simmons,  
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 31, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5008  
Ind. No. 4671N/15

Marquis Sargeant,  
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 April 11, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5010  
Ind. No. 2529/14

Cesar Taveras,  
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 March 18, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5011  
Ind. No. 736/15

Amadou Thiam,  
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 February 19, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5012  
Ind. No. 83/15

Arthur Thomas,  
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 January 6, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5014  
Ind. No. 949/09  
Case No. 9672C/09

Devon Thomas,  
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 April 25, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5015  
Ind. No. 997/15

Shalanda Tolbert,  
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 April 14, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5016  
Ind. No. 1383/15

Carlos Valencia,  
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 15, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5017  
Ind. No. 3737/15

Jose Vega,  
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 April 11, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5019  
Ind. No. 801/16

David Walker,  
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 April 11, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-5020  
Ind. No. 3651/15

Rayvon Walker,  
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 16, 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against- M-4681  
Ind. Nos. 665/15  
Horace Madison, 2046/15  
Defendant-Appellant. 3487/15  
-----X

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

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X  
Genesis Merchant Partners, LP and Genesis  
Merchants Partners II, LP,  
Plaintiffs-Appellants,

-against-

**M-3859**

Index No. 653145/14

Gilbride, Tusa, Last & Spellman LLC,  
et al.,  
Defendants-Respondents.

-----X  
Defendants-respondents having moved for an order dismissing plaintiffs' appeal taken from the order of the Supreme Court, New York County, entered on or about June 23, 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 denied, and plaintiffs' time to perfect their appeal is enlarged to the March 2017 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against-

M-4712  
Ind. No. 1979/09

Marcus King,  
Defendant-Appellant.

-----x

Defendant-appellant having moved, through assigned counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 11, 2012, and from the judgment of **resentence** of said Court, rendered on or about October 29, 2015, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present - Hon. Peter Tom,	Justice Presiding,
Dianne T. Renwick	
Sallie Manzanet-Daniels	
Judith J. Gische	
Troy K. Webber,	Justices.

-----X  
Michele Williams,  
Petitioner,

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

-against-

M-4434  
Index No. 250476/15

State of New York Office of Children  
and Family Services,  
Respondent.

-----X

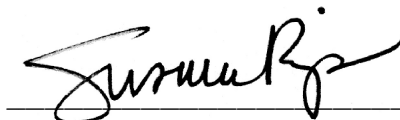
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about August 26, 2015,

And petitioner having moved for an enlargement of time to perfect the proceeding,

Now, upon reading and filing the papers with respect to said 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 proceeding to on or before January 30, 2017 for the April 2017 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present - Hon. Peter Tom,	Justice Presiding,
Dianne T. Renwick	
Sallie Manzanet-Daniels	
Judith J. Gische	
Troy K. Webber,	Justices.

-----X  
Tony Campbell,

Plaintiff-Respondent,

-against-

Christine Figueroa, et al.,

Defendants-Appellants.

M-4481  
Index No. 153335/13

-----X  
Defendants-appellants 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 October 28, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2017 Term, with leave to seek further 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 November 22, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz  
Marcy L. Kahn, Justices.

-----X  
USA Recycling, Inc.,  
Plaintiff-Appellant,

-against-

Baldwin Endico Realty Associates,  
Inc.,  
Defendant-Respondent.

**M-5462**  
Index No. 305816/13

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about July 2, 2015 and on or about August 14, 2015, and an order of this Court having been entered on December 10, 2015 (M-5573), consolidating said appeals, and the consolidated appeal having been perfected,

And, plaintiff having moved to stay all proceedings pending determination of the consolidated 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.

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 November 22, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X

In re New York City Asbestos Litigation,

- - - - -  
Charles D. North, as Executor of the  
Estate of Ralph P. North,  
Plaintiff-Respondent,

**M-3321**  
**M-3754**  
**M-4000**  
**M-4439**

-against-

Air & Liquid Systems Corporation  
successor by merger to Buffalo Pumps,  
Inc., et al.,  
Defendants,

Index No. 190114/13

National Grid Generation, LLC,  
Defendant-Respondent-Appellant,

O'Connor Constructors, Inc.,  
Defendant-Appellant-Respondent.

-----X

Defendant-respondent-appellant, National Grid Generation, LLC, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 28, 2016 (Appeal Nos. 1160, 1161 and 1162) [M-3321],

And, defendant-appellant-respondent, O'Connor Constructors, Inc., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the aforesaid decision and order of this Court, entered on June 28, 2016 (Appeal Nos. 1160, 1161 and 1162) [M-3754],

November 22, 2016

And, defendant-respondent-appellant, National Grid Generations, LLC, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 4, 2016 (Appeal Nos. 1160, 1161 and 1162) [M-4439],

And, defendant-appellant-respondent, O'Connor Constructors, Inc., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the aforesaid decision and order of this Court, entered on August 4, 2016 (Appeal Nos. 1160, 1161 an 1162) [M-4000],

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

It is ordered that motions M-4439 and M-4000 are denied. Motions M-3321 and M-3754 are deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----x

The People of the State of New York,  
Respondent,

-against-

**SEALED**

M-4399

Index No. 2147/08

Kenworth S.,  
Defendant-Appellant.

-----x

An order of this Court having been entered on April 19, 2016 (M-117), inter alia, substituting Zachary Johnson, Esq., Galluzzo & Johnson LLP, for purposes of determining the viability of defendant's purported appeal from the order of the Supreme Court, Bronx County, entered on or about March 18, 2013,

And, defendant-appellant, pro se, having moved for an order relieving assigned counsel for the assignment of different counsel for purposes 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 to the extent of relieving Zachary Johnson, Esq., Galluzzo & Johnson LLP, as assigned counsel, and the motion is otherwise denied. Sua sponte, the purported appeal is dismissed.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

Board of Directors of Windsor  
Owners Corp.,  
Plaintiff-Respondent,

-against-

M-5520  
Index No. 155985/14

Elaine Platt,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 17, 2016, and said appeal having been perfected,

And, plaintiff-respondent having moved for leave to strike defendant's reply brief and reply appendix,

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

It is ordered that the motion is granted to the extent of striking defendant's reply brief and reply appendix. Defendant is granted leave to resubmit a reply brief without references to any material except that contained in the appellant's or the respondent's appendices submitted with the main and respondent's briefs. Defendant-appellant is directed to file a re-submitted reply brief, in accordance with this order, if so advised, on or before February 10, 2017 for the March 2017 Term, to which Term this appeal is adjourned.

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 November 22, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Marcy L. Kahn  
Ellen Gesmer, Justices.

-----X  
Theresa A. Cerio,  
Plaintiff-Appellant,

-against-

M-4560  
Index No. 123431/02

Jonathan Carrington, et al.,  
Defendants-Respondents.

-----X  
The Below Hacking Corp.,  
Third-Party Plaintiff-Respondent,

-against-

The City of New York,  
Third-Party 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 November 23, 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 March 2017  
Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X  
U.S. Bank National Association, etc.,  
Plaintiff-Appellant,

-against-

**M-3919**  
**M-4024**  
**M-4191**

DLJ Mortgage Capital, Inc.,  
Defendant-Respondent.

Index Nos. 652344/12  
652644/12  
653467/12  
654147/12

- - - - -  
U.S. Bank National Association, etc.,  
Plaintiff-Appellant-Respondent,

-against-

DLJ Mortgage Capital, Inc.,  
Defendant-Respondent-Appellant,

Ameriquest Mortgage Company,  
Defendant.

-----X

Defendant-respondent-appellant, DLJ Mortgage Capital, Inc., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 7, 2016 (Appeal Nos. 1678-1679), which unanimously affirmed two orders of the Supreme Court, New York County, entered January 3, 2014 and March 25, 2015 [M-3919],

And, plaintiff-appellant-respondent, U.S. Bank National Association, etc., having moved for leave to appeal to the Court of Appeals from that branch of this Court's decision and order which affirmed the order of Supreme Court entered on January 3, 2014 [M-4024],

And, plaintiff-appellant-respondent, U.S. Bank National Association, having cross-moved for leave to appeal to the Court of Appeals from that branch of this Court's decision and order which affirmed the order of Supreme Court entered on March 25, 2015 [M-4191],

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

It is ordered that the motions and cross motion are 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 November 22, 2016.

Present - Hon. David Friedman,	Justice Presiding,
Rosalyn H. Richter	
Paul G. Feinman	
Barbara R. Kapnick	
Marcy L. Kahn,	Justices.

-----X  
John Pirraglia,

Plaintiff-Respondent,

-against-

Jofsen, Inc., et al.,

Defendants-Appellants.

M-4322  
Index No. 23247/15E

-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about August 2, 2016 and August 22, 2016, respectively,

And, defendants-appellants having moved for a stay of the orders pending hearing and determination of the aforesaid appeals, and/or a preliminary appellate injunction enjoining and restraining plaintiff, his agents and employees, and any other person acting in concert with him, from taking action to enforce the 30 day notice to quit dated April 20, 2016 served upon defendant Carl D. Madsen, from commencing or maintaining any action or proceeding, including summary ejectment, to recover possession of the subject premises or otherwise interfering with defendants' possession and use of the premises as set forth in the notice to quit,

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

It is ordered that, sua sponte, the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals, and it is further,

Ordered that the motion, to the extent it seeks a preliminary appellate injunction, is granted on condition the consolidated appeals are perfected for the March 2017 Term, and on the further condition that the parties to the 2003 Lease satisfy the rent, tax, insurance and other financial obligations set forth in that expired lease during the pendency of the appeal. The motion, to the extent it seeks a stay of the orders which denied motions to compel arbitration, is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4827  
Ind. No. 4132/14

Anthony Smalls,  
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 on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies used to post bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X  
In the Matter of the Application of  
The State of New York,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 10  
of the Mental Hygiene Law,

-against-

Carlos Abreu,  
Respondent-Appellant.  
-----X

**SEALED**

**M-3782**

**M-4453**

Index No. 30060/14

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 13, 2015,

And, petitioner-respondent having moved to dismiss the aforesaid appeal (M-3782),

And, Carol Kach, Esq., assigned counsel for respondent-appellant, having moved to be relieved as such counsel and for the Court to assign new counsel for purposes of prosecuting respondent's appeal (M-4453),

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

Ordered that petitioner-respondent's motion to dismiss respondent's appeal is granted (M-3782). Motion by assigned counsel Carol Kahn, Esq., to be relieved on the appeal is granted (M-4453).

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 November 22, 2016.

Present - Hon. David Friedman,  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman  
Marcy L. Kahn,

Justice Presiding,  
  
  
  
Justices.

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

**CONFIDENTIAL**

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

M-4556  
Docket No. F-10781-07/13C

-against-

Bruce C.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an 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,

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

It is ordered that said 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 attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion, to the extent it seeks assignment of appellate counsel, is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

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

-----X

In the Matter of the Application of  
Tri-State Consumer Insurance Company,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4613  
of the Civil Practice Law and Rules, Index No. 261052/14

-against-

Hereford Insurance Company as Assignee  
of F&N Express, Inc.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about December 28, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term, with leave to seek further 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 November 22, 2016.

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

-----X

In the Matter of the Application of  
Kovnor Associates,  
Petitioner-Appellant,

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

M-4941  
Index No. 100828/15

-against-

The Commissioner of Finance of the  
City of New York,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 21, 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 May 2017 Term.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Z.D., by her mother and natural guardian Zaimah Abdul-Majeed and Zaimah Abdul-Majeed,  
Plaintiffs-Appellants,

**M-5278**

Index No. 26043/14

-against-

MP Management, LLC, Davidson Apartments, LLC, Moshe Pillar, Parkash 2487, LLC and Ved Parkash,  
Defendants-Respondents.

-----X

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

And, the Parkash defendants having moved to enlarge the record on appeal to include: (1) the Parkash defendants' response to plaintiffs' Demand for Discovery and Inspection dated April 22, 2015 (Exhibit A to the October 13, 2016 Nicolaou Affirmation) and (2) briefing on plaintiffs' motion for reargument (Exhibit B to the same affirmation); and to adjourn the appeal to the February 2017 Term,

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 Parkash defendants to file a supplemental appendix including Exhibit A to the Nicolaou Affirmation and otherwise deny the motion to the extent it seeks to enlarge the record on appeal. Adjournment of the appeal is denied, as academic, the appeal having already been adjourned pursuant to the parties' stipulation dated October 28, 2016.

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 November 22, 2016.

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

-----X  
Steven Madden Retail, Inc.,  
Plaintiff-Appellant,

-against-

**M-4670**  
Index No. 158822/15

720 Lex Acquisitions, LLC,  
Defendant-Respondent.  
-----X

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

And, an order of a Justice of this Court dated September 14, 2016 having granted plaintiff an interim stay on condition that the plaintiff continues to make payments of rent/use and occupancy to the escrow account of plaintiff's attorney,

And, plaintiff having moved for a preliminary appellate injunction to enjoin defendant/landlord from enforcing the payment directive in the order being appealed and to stay that directive pending determination of the appeal; plaintiff also having moved, under CPLR 5704, for reargument of the aforesaid order of the Supreme Court entered on or about August 11, 2016, and for a return date in said Supreme Court on said reargument motion,

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

Ordered that the motion is granted only to the extent of continuing the interim relief granted by order of a Justice of this Court, dated September 14, 2016, and otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present - Hon. David Friedman,  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman  
Marcy L. Kahn,

Justice Presiding,  
  
  
  
Justices.

-----x

Gary Fragin,  
Plaintiff-Respondent,

-against-

First Funds Holdings, LLC, formerly  
known as First Funds LLC, et al.,  
Defendants-Appellants,

M-4395  
Index No. 652673/14

-and-

Moses & Singer, LLP,  
Defendant-Respondent.

-----x

Defendants-appellants having moved for a stay of discovery pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about August 12, 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 on condition the appeal is perfected for the April 2017 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present - Hon. David Friedman,  
Richard T. Andrias  
David B. Saxe  
Paul G. Feinman  
Marcy L. Kahn,

Justice Presiding,

Justices.

-----x  
Brenda Pomerance, on behalf of herself  
and in the right of 310 West 52<sup>nd</sup> Street  
Condominium Association,  
Plaintiffs-Respondents,

M-3434

M-4680

Index No. 650129/11

-against-

Brian Scott McGrath, etc., et al.,  
Defendants-Appellants.  
-----x

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

And, defendants-appellants having moved for a temporary restraining order and a mandatory injunction requiring plaintiff to immediately return to defendants all books and records which were taken by her from defendants on July 8, 2016, and for related relief (M-3434),

And, plaintiffs-respondents having cross-moved for an order declaring a condominium document inspection procedure, and for related relief (M-4680),

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.

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 November 22, 2016.

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

-----X  
Mamadou Lamine Dabo,

Plaintiff-Appellant,

-against-

**M-4647**  
Index No. 308176/12

Beatrice Sibblies,

Defendant-Respondent.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on August 18, 2016 (Appeal No. 1399-1400),

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

It is ordered that the motion is denied.

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Justice Presiding,

Justices.

Present - Hon. John W. Sweeny, Jr.,  
Rolando T. Acosta  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber,

-----X  
Oorah, Inc., doing business as Cucumber  
Communications,  
Plaintiff-Appellant,

-against-

Covista Communications, Inc.,  
Defendant-Respondent.

-----X  
Covista Communications, Inc.,  
Counterclaim-Plaintiff-Respondent,

-against-

Oorah, Inc., doing business as Cucumber  
Communications,  
Counterclaim-Defendant-Appellant.

-----X

M-4304  
Index No. 652316/11

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 24, 2016,

And, plaintiff/counterclaim defendant-appellant having moved for a stay of enforcement and execution of the aforesaid order pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiff-appellant dated September 26, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Swiss Re Financial Services, Corp.,  
Petitioner-Respondent,

-against-

**M-4729**

Index No. 155741/13

Michelle Lynn McGuirk,  
Respondent-Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 11, 2013, September 19, 2013 and December 3, 2013, respectively,

And petitioner-respondent having moved for an order dismissing respondent's aforesaid appeals, and for sanctions,

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

Ordered that, sua sponte, respondent's appeals are dismissed, and so much of the motion which seeks sanctions, is denied, as academic.

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 November 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X  
In the Matter of the Application of  
Jacques Dorcinvil,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4877  
of the Civil Practice Law and Rules, Index No. 102212/15

-against-

New York Police Department, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 8, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

Board of Managers of 141 Fifth  
Avenue Condominium,  
Plaintiff-Respondent-Appellant,

-against-

**M-5133**

Index No. 651426/13

J. Construction Company, LLC,  
Defendant-Appellant-Respondent,

-and-

141 Acquisition Associates, LLC,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken by plaintiff from an order of the Supreme Court, New York County, entered on or about August 12, 2015 (M-4728),

And, an appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 16, 2015,

And, plaintiff-respondent-appellant having moved for an enlargement of time to perfect its cross appeal from the July 16, 2015 order,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect all appeals and the cross appeal to the May 2017 Term. The Clerk is directed to calendar the appeals and cross appeal on the same day of the May 2017 Term. (See M-4728, decided simultaneously herewith.)

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 November 22, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

Board of Managers of 141 Fifth  
Avenue Condominium,  
Plaintiff-Appellant,

-against-

**M-4728**

Index No. 651426/13

J. Construction Company, LLC,  
Defendant-Respondent,

-and-

141 Acquisition Associates, LLC,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2015,

And, plaintiff-appellant having moved for an enlargement of time to perfect 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 enlarging the time to perfect the appeal to the May 2017 Term. (See M-5133, decided simultaneously herewith.)

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 November 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X

Frances Brown,  
Plaintiff-Appellant,

-against-

M-4509  
Index No. 111619/08

The City of New York,  
Defendant-Respondent,

New York City Transit, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 25, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 22, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X

In the Matter of the Application of  
Downtown Auto Center, Inc.,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5113  
of the Civil Practice Law and Rules, Index No. 155433/15

-against-

The State of New York, Department of  
Motor Vehicles,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 3, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:

  
CLERK

4

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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


M-5519  
Ind. No. 3241/04

-against-

CERTIFICATE  
DENYING LEAVE

Javier Talango,  
Defendant.

-----X  
I, Hon. Dianne T. Renwick, 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 February 25, 2016 is hereby denied.

  
Associate Justice

Dated November 9, 2016  
New York, New York

ENTERED: NOV 22 2016



✓

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-4732  
Ind. No. 4344/07

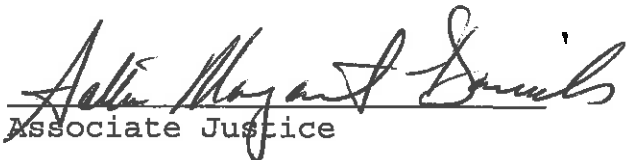
-against-

CERTIFICATE  
DENYING LEAVE

Kimberly Hanzlik,

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, Bronx County, entered on or about August 24, 2016, is hereby denied.

  
Associate Justice

Dated: October 14, 2016  
New York, New York

ENTERED:  
NOV 22 2016

✓

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

BEFORE: Hon. Paul G. Feinman  
Justice of the Appellate Division

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

M - 4134  
Ind. Nos. 5497/1999

-against-

CERTIFICATE  
DENYING LEAVE

Fredrick Walker,

Defendant.

-----X

I, Paul G. Feinman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 (Ruth Pickholz, J.), entered on or about June 29, 2016 is hereby denied.

Dated: October 26, 2016  
New York, New York



Hon. Paul G. Feinman  
Associate Justice

ENTERED:

NOV 22 2016

✓

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-4521  
Ind. No. 9364/94

-against-

Daniel Diaz,

CERTIFICATE  
DENYING LEAVE

Defendant-Appellant.

-----X

I, 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 dated August 11, 2016, of the Supreme Court, Bronx County (Judith Lieb, J), is hereby denied.

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

Dated: October 17, 2016  
New York, New York

ENTERED: NOV 22 2016

✓

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

BEFORE: Hon. Troy K. Webber  
Justice of the Appellate Division

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

M-4668  
Ind. No. 9093/93

-against-

CERTIFICATE  
DENYING LEAVE

Bobby Felder a/k/a Zebadiah Hart,  
Defendant.

-----X  
I, Troy K. Webber, 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 (Robert M. Mandelbaum, J.) entered on or about  
July 7, 2016 is hereby denied (see also *People v Hart*, 43 AD3d  
722 [1st Dept 2014]), *lv denied* 9 NY3d 1006 [2007]; *People v*  
*Hart*, 2014 NY Slip Op 66336(U) [1st Dept 2014], *lv denied* 23 NY3d  
1021 [2014]).

Dated: October 17, 2016  
New York, New York

  
\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

ENTERED:

**NOV 22 2016**