


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x
In the Matter of Rita Fisher,
Petitioner-Appellant, M-4331
M-4221
-against- M-4568
Index No. 101665/13
Darryl C. Townes, etc.,
Respondent-Respondent.
-----x

An order of this Court having been entered on July 14, 2015 (M-2498), inter alia, granting petitioner poor person relief with respect to the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 24, 2014,

And petitioner-appellant having separately moved for the assignment of counsel with respect to the aforesaid appeal (M-4331), and for an enlargement of time to perfect the appeal (M-4221),

And respondent-respondent having cross-moved for dismissal of the aforesaid appeal (M-4568),

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 petitioner's motions are denied (M-4331/M-4221), the cross motion (M-4568) is granted, and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

BAT USA Corp.,
Plaintiff-Respondent,

-against-

M-4419
Index No. 651037/14

Stephen Chiovare and Michael Chiovare,
Defendants-Appellants,

Elegant Awnings, Inc.,
Defendant.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about July 15, 2015, and from a judgment of said Court, entered on or about August 19, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x
Wells Fargo Bank, National Association,
successor to Wachovia Financial
Services, Inc.,
Plaintiff-Respondent,

-against-

M-4452
Index No. 651415/16

Allen Silverman,
Defendant-Appellant,

-and-

Andalex Aviation II, LLC,
Defendant.

-----x

Defendant-appellant Allen Silverman having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, on or about November 17, 2016,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x
Andres Rivera,

Plaintiff-Appellant,

-against-

M-4492
Index No. 21697/12E

MD Hafizur Rahaman, et al.,

Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 1, 2016, for failure to timely prosecute,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
The People of the State of New York
ex rel. Denis P. Kelleher, Esq., on
behalf of William Julian,
Petitioner-Appellant,

M-3750
Index No. 156000/17

-against-

Warden of Manhattan Detention
Complex,
Respondent-Respondent.

-----X

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

And, petitioner having moved for reduction of bail pending said appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated August 28, 2017, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

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

- - - - -
Vanessa R.,
Petitioner-Respondent, **CONFIDENTIAL**
M-4070
Docket No. O-41525/15

-against-

Christopher E.,
Respondent-Appellant.

- - - - -
Stephanie Rancer, Esq.,
Attorney for the Child.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about May 8, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue #576, Hasting on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for

purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
In the Matter of the Application for
the Custody and Guardianship of

Kaniya D.,

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

- - - - -
New Alternatives for Children,
Petitioner-Respondent,

CONFIDENTIAL

M-4347
Docket No. B-44443/14

Queleen D.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 21, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. 212-965-0050, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

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

- - - - -	<u>CONFIDENTIAL</u>
Doris M.,	M-4359
Petitioner-Respondent,	Docket No. O-2918/17

-against-

Yarenis P.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, New York County, both entered on or about June 30, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. (212) 965-0050, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

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

- - - - -
Tyrone F.,
Petitioner,

-against-

CONFIDENTIAL
M-4412
Docket Nos.
V-25788-14/16E
V-25788-14/16

Mariah O.,
Respondent-Appellant,

Administration for Children's Services
- Bronx,
Respondent-Respondent.

- - - - -
In the Matter of

Sayoni Sarah Skyy F.,

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

Docket No.
NN-17948/15

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

Mariah O.,
Respondent-Appellant,

Tyrone F.,
Respondent.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, both entered on or about July 12, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

In the Matter of the Application for
the Custody and Guardianship of

Makaylah Phyllis B.,
Damani Cory B.,

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

- - - - -
Catholic Guardian Services,
Petitioner-Respondent,

CONFIDENTIAL

M-4413
Docket Nos. B-46509/16
B-46508/16

Tinay Erykah J.,
Respondent,

Kevin Cory B.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, both entered on or about June 8, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 Broadway, Suite #410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
In the Matter of a Visitation
Proceeding Under Article 6 of
the Family Court Act.

- - - - -
Jose M.,
Petitioner-Appellant, **CONFIDENTIAL**
M-4417
Docket No. V-34365-15/16C

-against-

Iesha M.,
Respondent-Respondent.

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

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about March 1, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for purposes

of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

In the Matter of the Application for
the Custody and Guardianship of

Bianca Jade N.,

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

- - - - -
Catholic Guardian Services, et al.,
Petitioners-Respondents,

CONFIDENTIAL

M-4486

Docket No. B-33099/15

Swevia Collette N., also known as
Sweiva Collette N.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 16, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

In the Matter of the Application for
the Guardianship and Custody of

Roberto O.,

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

- - - - -
Commissioner of Social Services,
Petitioner-Respondent,

CONFIDENTIAL

M-4495

Docket No. B-314/16

Lakeysha H.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 31, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, NY 10538, Telephone No. 914-419-8407, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
In the Matter of the Guardianship and
Commitment of

Michael G., and
Gabrielle G.,

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

- - - - -
Catholic Guardian Services,
Petitioner-Respondent,

Karina Elizabeth F.,
Respondent-Appellant

Mike G.,
Respondent.

- - - - -
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 an from order of the Family Court, New York County, entered on or about July 10, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall C. Carmel, Esq., 410 Jericho Turnpike, Suite #302, Jericho, NY 11753, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal;

CONFIDENTIAL

M-4528

Docket Nos. B-46584/16
B-46585/16

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X
Piara Singh,
Plaintiff-Respondent,

-against-

M-4602X
Index No. 101777/12

114-118 Dyckman Realty LLC
Defendant,

Dyckman Deals, Inc.,
Defendant-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and
filing the stipulation of the parties hereto, "so ordered"
August 22, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

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

Respondent,

M-4755
Ind. No. 3194/15

-against-

Alfredo Otero,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 7, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 25, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X

The People of the State of New York,

Respondent,

M-4834

Ind. No. 63/16

-against-

Joseph Ancona,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme
Court, Bronx County, rendered on or about November 29, 2016,

Now, upon reading and filing the stipulation of the parties
hereto, dated June 5, 2017, and due deliberation having been had
thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Paris & Chaikin, PLLC, Ian M.
Chaikin, Esq. and Jason Paris, Esq.

Plaintiffs-Respondents,

-against-

M-4849X
Index No. 651388/15

Liberty Insurance Underwriters, Inc.,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 20, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 11, 2017, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn, and the action discontinued, in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Wilber Urbina,

Plaintiff,

-against-

M-4854X
Index No. 305360/10

Aguilar Gardens, Inc., et al.,

Defendants.

-----X
Aguilar Gardens, Inc., et al.,

Third-Party Plaintiffs-Respondents,

-against-

Site Works Inc.,

Third-Party Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 14, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Michael P. Thomas,

Plaintiff-Appellant,

M-4901
Index No. 100097/15

-against-

New York City Department of Education,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated September 12, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

Nationwide Mutual Insurance Company
as subrogee of Artimus Construction
Corp., Inc., et al.,
Plaintiffs-Appellants,

M-3702

Index No. 161856/14

-against-

U.S. Underwriters Insurance Company,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 13, 2017 (Appeal No. 2970),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

Loren Ridinger, etc.,

Plaintiff-Appellant,

-against-

M-3379

Index No. 160465/15

West Chelsea Development Partners
LLC, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 23, 2017 (Appeal No. 4100),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

Present - Hon. Rolando T. Acosta,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton,

Presiding Justice,

Justices.

-----X
Heriberto Mosqueda,
Plaintiff-Respondent,

-against-

M-4390
Index No. 159551/13

Ariston Development Group
and Kenneth Cole Productions, Inc.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 12, 2016, and said appeal having been perfected,

And defendants-appellants having jointly moved to stay trial pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x
The People of the State of New York
ex rel. Nora Van Duse, Esq., on behalf
of Mark Cobham,
Petitioner-Appellant,

-against-

M-4396
Index No. 452230/17

Cynthia Brann, Commissioner, New York
City Department of Corrections,
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 9, 2017, which dismissed a habeas corpus proceeding,

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for the assignment of counsel, for a reduction of bail pending the determination of the appeal to a \$10,000 partially secured bond, and for expedited hearing 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, to the extent it seeks poor person relief, is granted and it is directed that the appeal be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Pursuant to Section 35 of the Judiciary Law, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for

appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

The motion, to the extent it seeks a reduction in bail and for expedited hearing of the appeal, is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Ironshore Indemnity, Inc. as Subrogee
of The Related Companies, L.P., etc.,
Plaintiff-Appellant,

-against-

M-3745
Index No. 653414/14

W&W Glass, LLC, et al.,
Defendants-Respondents.

- - - - -
The Related Companies, L.P., et al.,
Non-Party Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 13, 2017 (Appeal Nos. 3590-3591),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Clare Amiano,
Plaintiff-Respondent,

-against-

Greenwich Village Fish Company, Inc., M-3813
et al., Index No. 150361/13
Defendants-Appellants,

Joseph Gurrera, et al.,
Defendants.

-----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 June 8, 2017 (Appeal No. 4192),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

Alan Blattberg,

Plaintiff-Appellant,

-against-

M-4049

Index No. 160383/15

52 & 58-27th Street, Jackson Heights,
Incorporated,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 8, 2017 (Appeal No. 4207N),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X

Michael I. Knopf, et al.,

Plaintiffs-Appellants,

-against-

M-4403

Index No. 113227/09

Michael Hayden Sanford, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of, or in
the alternative, for leave to appeal to the Court of Appeals,
from the decision and order of this Court, entered on May 25,
2017 (Appeal Nos. 4123, 4124N),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

Debra Todres,
Plaintiff-Respondent,

-against-

M-3815
Index No. 350006/11

Andrew Freifeld,
Defendant-Appellant.

- - - - -

Bruce A. Yerman,
Non-Party Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 15, 2017 (Appeal Nos. 4275-4276),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Judith J. Gische, Justices.

-----X

Frances S. Campbell,

Plaintiff-Appellant,

-against-

M-4368

Index No. 157639/12

Gregory M. Wendt,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 6, 2017 (Appeal No. 4411),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Michael Bandler,
Plaintiff-Appellant,

-against-

M-4014
Index No. 162450/15

Gregory DeYonker and Forte
Management, LLC,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about June 20, 2016,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
The East Drive Housing Development
Fund Corporation and Vanrea Fearron,
Plaintiffs-Respondents,

-against-

M-4356
Index No. 652641/16

Emily Allen,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 17, 2017,

And defendant-appellant, pro se , having moved to stay eviction, pending hearing and determination of the aforesaid appeal, for leave to prosecute said appeal as a poor person, 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, and the interim relief granted by a Justice of this Court, entered on August 1, 2017, is vacated.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

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

CONFIDENTIAL

- - - - -
Edward E.,
Petitioner-Appellant,

M-4540
Docket No. V-26460/16

-against-

Susanna M.,
Respondent-Respondent.
- - - - -

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

-----X

Counsel for petitioner-appellant having moved to withdraw the appeal taken from an order of the Family Court, Bronx County, entered on or about January 19, 2017, and to relieve him as assigned 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Judith J. Gische, Justices.

-----X

In re Michael Evan W.,
Petitioner-Respondent,

CONFIDENTIAL

M-4563

Docket Nos. V-2601-11/14B

-against-

V-12824-11/14B

V-15550-11/14A

Pamela Lyn B.,
Respondent-Appellant.

O-34194/14

-----X

Respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 6, 2017 (Appeal No. 4412),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X

United States Aviation Underwriters,
Inc.,

Plaintiff-Respondent,

M-3515

Index No. 650460/15

-against-

Textron, Inc.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the
Court of Appeals from the decision and order of this Court,
entered on May 23, 2017 (Appeal No. 4067),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

Liliane Bronfman,
Plaintiff-Respondent,

-against-

East Midtown Plaza Housing Company,
Inc.,
Defendant-Appellant.

- - - - -

East Midtown Plaza Housing Company,
Inc.,
Third-Party Plaintiff-Appellant,

-against-

The City of New York,
Third-Party Defendant-Respondent.

-----X

M-4013
Index No. 158561/13

Defendant/third-party plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on June 27, 2017 (Appeal No. 4371),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 3, 2017.

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

-----X
John Bermingham,
Plaintiff-Appellant,

-against-

Atlantic Concrete Cutting Inc.,
et al.,
Defendants-Respondents.

M-4182
Index No. 102409/11

-----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 April 23, 2014,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X

The People of the State of New York
ex rel. Douglas M. Nadjari, Esq., on
behalf of Paul McClung, M.D.,
Petitioner-Appellant,

M-4641
Index No. 100731/17

-against-

Warden, Rikers Island, RNDC, 11-11
Hazen Street, East Elmhurst, New York
11370, or any other person having
custody of Paul McClung,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 5, 2017,

And, petitioner having moved for an order to reduce his bail pending 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 continuing the order of a Justice of this Court, entered on August 31, 2017, fixing bail in the amount of \$1,500,000 insurance company bond, with a 72 hour surety requirement, or \$1,000,000 cash, pending the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Vladimira Koch, also known as Vlad'ka
Koch, Michael Koch, Europa Docu-Search,
Inc., Eurovid, Inc., Eurovid FKK, Helios
Natura, Europa Docu-Search, s.r.o.,
Eurovidfkk, s.r.o.,
Plaintiffs-Appellants,

-against-

M-4676
Index No. 112337/07

Sheresky, Aronson & Mayefsky LLP,
David Aronson, individually, Bragar,
Wexler, Eagel & Morgenstern P.C.,
Raymond A. Bragar, individually,
Ragues & Min, Esqs., Raymond Ragues,
individually, D'Agostino & Salvi, LLP,
Frank J. Salvi, individually,
Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 14, 2015, from an order of the same Court and Justice, entered on or about December 15, 2015, and from an order, entered on or about February 22, 2016, said appeals having been perfected,

And defendants-respondents having moved to compel plaintiff Vladimira Koch, also known as Vlad'ka Koch, to supplement the appendix on appeal,

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

It is ordered that the motion is granted to the extent of directing plaintiff Koch to file a supplemental appendix, at her own expense, containing all the documents identified in movant's papers within ten days of this order. Sua sponte, the perfected appeal is adjourned to the February 2018 Term.

ENTERED:

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

CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X
Galopy Corporation International,
N.V.,

Plaintiff-Respondent-Appellant,

M-2949

Index No. 151766/15

-against-

Deutsche Bank, A.G.,

Defendant-Appellant-Respondent.

-----X

Plaintiff-respondent-appellant having moved for reargument
of, or in the alternative, for leave to appeal to the Court of
Appeals, from the decision and order of this Court, entered on
May 4, 2017 (Appeal No. 3886),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

Present - Hon. Dianne T. Renwick,	Justice Presiding,
Angela M. Mazzarelli	
Karla Moskowitz	
Barbara R. Kapnick	
Marcy L. Kahn,	Justices.

-----X
Marco Battistella,

Plaintiff-Appellant,

-against-

M-4566
Index No. 310389/10

Marnie Ann Joyce,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for clarification of the
decision and order of this Court, entered on March 31, 2016
(Appeal Nos. 658-659),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
47 HK Realty, LLC,
Petitioner-Landlord-Appellant,

-against-

M-2942
Index No. 570560/16

Kathleen O'Leary,
Respondent-Tenant-Respondent,

"John Doe" and "Jane Doe",
Respondents-Undertenants.
-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2017,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----X

Deutsche Zentral-Genossenschaftsbank
AG, et al.,

Plaintiffs-Respondents,

M-4067

Index No. 654035/12

-against-

Morgan Stanley, et al.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to
the Court of Appeals from the decision and order of this Court,
entered on June 20, 2017 (Appeal Nos. 3909-3910),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 3, 2017.

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

-----x
Joan Simpson-Lynch and Ian Lynch,
Plaintiffs-Respondents,

-against-

M-4109
Index No. 309527/12

Dr. Kordai Decoteau and New York
Footcare Services PLLC,
Defendants-Appellants.

-----x

Defendants-appellants having moved for an enlargement of
time to perfect the appeal taken from an order of the Supreme
Court, Bronx County, entered on or about October 18, 2016,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----X
Douglas Elliman LLC, doing business as
Douglas Elliman Real Estate,
Plaintiff-Appellant-Respondent,

-against-

M-4168
Index No. 570079/17

Soonil Kwon,
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about April 14, 2017,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x
Mali Fuks,

Plaintiff-Appellant,

-against-

M-4171
M-4295
Index No. 102721/12

Ruth Shomron, etc.,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for a enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 14, 2016 (M-4171),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-4295),

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 cross motion is granted and the aforesaid appeal is dismissed. The motion is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2017.

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

-----x

Rafael Rivera,
Plaintiff-Appellant,

-against-

M-4260
Index No. 23719/06

Metropolitan Transportation Authority,
et al.,
Defendants,

-and-

JB Electric/Vertex, LLC, et al.,
Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about September 26, 2016,

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

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

ENTERED:


CLERK



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-3556
Docket No.95X0382/94

-against-

CERTIFICATE
DENYING LEAVE

Hector Rodriguez

Defendant.

-----X

I, Hon. Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to CPLR section 5703(a), 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, Appellate Term, First Department, entered on or about March 16, 2017, is hereby denied.



Associate Justice

Dated: September 15, 2017
New York, New York

ENTERED: **OCT - 3 2017**

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-4294
Ind. No. 1257N/2016

-against-

CERTIFICATE
GRANTING LEAVE

Raymond Downer,
Defendant-Appellant.

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I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that defendant's application presents questions of law or fact which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is granted to defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Mandelbaum, J.), dated July 3, 2017.¹

Dated: September 18, 2017
New York, New York

ENTERED

OCT - 3 2017

Hon. Ellen Gesmer
Associate Justice

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

¹ In the event defendant has an existing (direct) appeal from a judgment, that appeal shall be consolidated with the appeal pertaining to this certificate; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated. If defendant has no other appeal pending, poor person relief must be sought by separate application.

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

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

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The People of the State of New York,
Respondent,

M-4683
Ind. No. 1815/12

-against-

Domingo Ricart,
Defendant-Appellant.

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

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I, Troy K. Webber, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein¹ questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is ORDERED, that permission be, and it hereby is granted to the above-named respondent to appeal to the Court of Appeals.

Dated: September 21, 2017
New York, New York



Hon. Troy K. Webber
Associate Justice

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

¹Description of Order:
10/7/2014 Sup. Ct. New York Co.