

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Jonathan Johnson,
Plaintiff-Appellant,

-against-

Donald David, Attorney at Law,
Defendant-Respondent.

M-559
Ind. No. 100379/17

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about January 4, 2018, 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.

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 April 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Randi Sachar,
Plaintiff-Appellant,

-against-

M-633
Index No. 106847/10

AMC Entertainment, sued herein
as Lowes Theater, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about September 27, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before July 9, 2018 for the September 2018 Term, with no further enlargements to be granted.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against- M-752
Ira Goldberg, Ind. Nos. 4619/16
Defendant-Appellant. 554/15

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 12, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as 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.

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 April 3, 2018.

Present - Hon. Dianne T. Renwick,
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh,

Justice Presiding,

Justices.

-----X
Nijo Mills,
Claimant-Appellant,

-against-

Court of Claims
M-921
Claim No. 128405

City University of New York,
Respondent-Respondent.

-----X

Claimant-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from an order of the New York State Court of Claims, entered on or about January 11, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 3, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzairelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
In the Matter of

Tyler Y.,

CONFIDENTIAL

M-181

Docket No. D-44906/15

A Person Alleged to be a Juvenile
Delinquent,

Appellant.

Presentment Agency
-----X

The Presentment Agency 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 December 7, 2017 (Appeal No. 5152),

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 April 3, 2018.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Getty Properties Corp. and Gettymart Inc.,
Plaintiffs-Appellants,

-against-

M-847
Index No. 651762/12

Getty Petroleum Marketing, Inc., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about December 13, 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 to dismiss the appeal is granted unless the appeal is perfected for the October 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 April 3, 2018.

Present - Hon. Troy K. Webber, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
BCG Partners, Inc., et al.,
Plaintiffs-Appellants-Respondents, M-257
M-746
-against- Index No. 652669/12

Avison Young (Canada) Inc., et al.,
Defendants-Respondents-Appellants.
-----X

Defendants having moved for reargument of the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5242) [M-257],

And plaintiffs having cross-moved for leave to strike a portion of defendants' submission in support of reargument, and for other relief [M-746],

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 for reargument is granted [M-25] and, upon reargument, the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5242), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5242, decided simultaneously herewith.) The cross motion is denied [M-746].

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 April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Jeanne Atkatz,

Plaintiff-Respondent,

-against-

M-919
Index No. 20521/14E

Rohana Motley, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 19, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 2018, 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 April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Renaë Buckser, et al.,
Plaintiffs-Respondents,

-against-

M-920X
Index No. 156207/14

Consolidated Edison Company of
New York, Inc., et al.,
Defendants,

-and-

Extell Development Corporation, etc.,
et al.,
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 5, 2018, 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 April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Stanislaw Tkaczyk,
Plaintiff-Appellant-Respondent,

-against-

337 East 62nd LLC,
Defendant-Respondent-Appellant.

M-943
Index No. 160264/13

337 East 62nd LLC,
Third-Party Plaintiff-Respondent-Appellant,

-against-

Gateway Demolition Corp.,
Third-Party Defendant-Respondent-Appellant.

-----X

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated January 2, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Imovegreen, LLC, et al.,
Plaintiffs-Respondents,

-against-

Frantic, LLC, et al.,
Defendants-Appellants.

M-1025X
Index No. 300372/13

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 23, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 27, 2018, 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 April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-533

Ind. No. 839/16

Stacy Bullard,

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 November 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-534

Ind. No. 1533/16

Luis Fajardo

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 November 15, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-535
Ind. No. 3474/16

Roderick Turner,

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 September 28, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-541
Ind. No. 3819/16

Woodrow Flemming,

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 January 4, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-493

-against-

Ind. No. 2606/16

Shardell Hall,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 2, 2017, for leave to have the appeal heard upon 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 granted to the extent of permitting the appeal to be heard upon 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.

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, N.Y. 10594-1139, Telephone No. (914) 434-5935, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Monserate Rodriguez,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-851

Ind. No. 2013/11

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about January 23, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed.

The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time in which to perfect the appeal is enlarged to the June 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 April 3, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1043
Ind. No. 553/15

Michael Brophy,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 1, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 12, 2018, 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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----X

In re Ryszard Grajko,
Petitioner-Respondent,

-against-

M-6529

Index No. 24793/16

The City of New York, et al.,
Respondents-Appellants.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 25, 2017 (Appeal No. 3535N),

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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Peter Tom
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

IDT Corp., et al.,
Plaintiffs-Appellants,

M-291

Index No. 652236/15

-against-

Tyco Group, S.A.R.L., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 21, 2017 (Appeal No. 5254),

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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Judith Mejia,
Plaintiff-Appellant-Respondent,

-against-

M-685
Index No. 150228/14

T.N. 888 Eighth Avenue LLC doing
business as Cosmic Diner, Elias "Louie"
Tsanias, and John Dimos,
Defendants-Respondents-Appellants.

-----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 December 30, 2016,

And a separate appeal having been taken by defendants-respondents from an order, same Court and Justice, entered on or about August 15, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect plaintiff-appellant's appeal from the order entered on or about December 30, 2016 to the September 2018 Term. Further, defendants-respondents are directed to perfect the appeal from the order entered on or about August 15, 2017 for the September 2018 Term. The Clerk of the Court is directed to calendar both appeals to be heard together on the same date in the September 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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Judith Mejia,
Plaintiff-Appellant-Respondent,

-against-

M-685
Index No. 150228/14

T.N. 888 Eighth Avenue LLC doing
business as Cosmic Diner, Elias "Louie"
Tsanias, and John Dimos,
Defendants-Respondents-Appellants.

-----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 December 30, 2016,

And a separate appeal having been taken by defendants-respondents from an order, same Court and Justice, entered on or about August 15, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect plaintiff-appellant's appeal from the order entered on or about December 30, 2016 to the September 2018 Term. Further, defendants-respondents are directed to perfect the appeal from the order entered on or about August 15, 2017 for the September 2018 Term. The Clerk of the Court is directed to calendar both appeals to be heard together on the same date in the September 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 April 3, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Cynthia S. Kern, Justices.

-----x
First Franklin Financial Corporation,
Plaintiff-Appellant,

-against- M-287
Index No. 381431/08

Arnold Merchant, et al.,
Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 26, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 3, 2018.

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

-----x
Hotel Carlyle Owners Corporation,
Plaintiff-Appellant,

-against-

M-339
Index No. 157070/12

Murray Schwartz,
Defendant-Respondent.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about March 30, 2017 and November 28, 2017, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about March 30, 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 for an enlargement is granted. Sua sponte, the appeals are consolidated, and plaintiff-appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11, and it is further,

Ordered that the time to perfect the consolidated appeals is enlarged to the October 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 April 3, 2018.

Present - Hon. David Friedman,
Peter Tom
Troy K. Webber
Cynthia S. Kern,

Justice Presiding,

Justices.

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

-against-

Abram Ojofeitimi,
Defendant-Appellant.

M-539
Ind. Nos. 1373/16
1375/16

-----X

An order of this Court having been entered on January 9, 2018 (M-5871), granting defendant leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, both rendered on or about March 7, 2017, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present: Hon. David Friedman, Justice Presiding,
Angela M. Mazzairelli
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

-----X

Ir re Lisa B.,
Petitioner-Appellant,

CONFIDENTIAL

M-480

-against-

Docket No. F-10781-07/13C

Bruce C.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 16, 2018 (Appeal No. 5459),

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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-372
Ind. No. 3102/15

Josefina Gonzalez,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 28, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Anil C. Singh
Peter H. Moulton, Justices.

-----X
NYCTL 1998-2 Trust, and The Bank of
New York Mellon as Collateral Agent and
Custodian for the NYCTL 1998-2 Trust,
Plaintiffs-Respondents,

-against-

Frederick H. Siemon,
Defendant-Appellant.

M-415
M-561
Index No. 301861/13

-----X

Plaintiffs-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 21, 2017 (M-415),

And defendant-appellant having cross moved, inter alia, for an enlargement of time to perfect his appeal, for a continuation of a stay granted by an order of this Court on November 16, 2017 (M-4940), for sanctions and for related relief (M-561),

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 plaintiffs' motion to dismiss and for vacatur of the aforesaid stay are granted unless the appeal is perfected for the September 2018 Term. The motion and cross motion are otherwise denied (M-415/M-561).

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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Emigrant Bank, as successor-by-
merger with Emigrant Savings Bank
- Manhattan,
Plaintiff-Respondent,

-against-

M-293
Index No. 850136/14

Luigi Rosabianca, et al.,
Defendants,

Carmelo Rosabianca, 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 December 14, 2017 (Appeal No. 4227N),

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 April 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

In re Andres Rodriguez, et al.,
Petitioners-Appellants,

-against-

M-6603

Index No. 162629/15

Metropolitan Transportation
Authority, et al.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 21, 2017 (Appeal Nos. 5029-5030N),

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 April 3, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

In re Harry T.,
Petitioner-Respondent,

CONFIDENTIAL

M-226

-against-

Docket No. F-40111/15

Lana K.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5211), and for a stay of all Family Court proceedings pending hearing and determination of this motion,

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

It is ordered that the motion for reargument is denied and that portion of the motion seeking a stay is denied as moot.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

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

-----X

In re Lloyd N. Gibbs,

Petitioner,

-against-

M-350

Index No. 250807/16

New York State Department of
Motor Vehicles, et al.,

Respondents.

-----X

Petitioner having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5198),

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 April 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Mark Defronzo,
Plaintiff-Respondent,

-against-

M-238
Index No. 154050/13

Canon U.S.A., Inc., and
Turner Construction Company,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 11, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-551
Ind. No. 1842/16

Remulo Fernandez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 13, 2017,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 3, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

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

CONFIDENTIAL

M-463

-----X

Kayo I.,
Petitioner-Respondent,

-against-

Eddie W.,
Respondent-Appellant.

Eddie W.,
Petitioner-Appellant,

-against-

Kayo I.,
Respondent-Respondent.

-----X

Docket Nos. V-1887/08
V-1887-08/14B
V-1887-08/15C
V-1887-08/15D
V-1887/08/15E
V-1887/08/15F
V-22546-09/15B
V-22546-09/15C
V-22546-09/15D
V-22546-09/15E

Respondent-appellant-father having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about October 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 in which to perfect the appeal to the September 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 April 3, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Brean Murray, Carret & Co.,

Plaintiff-Appellant,

-against-

Morrison & Foerster LLP,

Defendant-Respondent.
-----X

M-639
Index No. 651024/16

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 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 granted to the extent of enlarging the time to perfect the appeal to on or before July 9, 2018, for the September 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 April 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
In the Matter of the Application of
Lyhnn Brown,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
of the Civil Practice Law and Rules,

M-664
Index No. 100192/16

-against-

The City of New York; New York City
Department of Education; and Carmen
Farina, Chancellor of the New York
City Department of Education,
Respondents-Respondents.

-----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, New York County, entered on or about January 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 granted to the extent of enlarging the time to perfect the appeal to the September 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 April 3, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Board of Managers of 225 Fifth Avenue
Condominium,
Plaintiff-Respondent,

-against-

M-6689
Index No. 657066/17

Rashida K. La Lande, 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 7, 2017,

And defendants-appellants having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the order pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants-appellants dated February 15, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, the action having been settled.

ENTERED:


CLERK