

At a 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 5, 2018.

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

-----X
Gershon Sontag, as Trustee of the Esther Waxman Trust dated December 12, 2012,

Plaintiff-Appellant,

-against-

M-691
Index No. 156056/15

American International Group, Inc.,
American General Life Insurance Company,
a division of American International
Group, Inc. and Moshe Lebovits,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 5, 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 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 5, 2018

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

-----x
In the Matter of a Support Proceeding
Under Article 4 of the Family Court
Act.

- - - - -

Alexander M.,
Petitioner-Appellant,

CONFIDENTIAL

M-819

Docket No. F-31238-16/16A

-against-

Lisa G.,
Respondent-Respondent.

-----x

An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about January 17, 2018,

And petitioner father having moved, inter alia, for leave to prosecute the appeal as a poor person, and for assignment of counsel,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

CORRECTED ORDER - June 12, 2018

At a 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 5, 2018.

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

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

Kenneth J.,
Petitioner-Appellant,

-against-

Lesley B.,
Respondent-Respondent.

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

Lesley B.,
Petitioner-Respondent,

-against-

Kenneth J.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-371

Docket Nos. V-43284-10/16K
V-43284-10/16J
V-43284-10/16I
V-43284-10/17L

CONFIDENTIAL

Docket No. 0-16341/17

Separate appeals having been taken by petitioner/
respondent-appellant, Kenneth J., from orders of the Family
Court, New York County, entered on or about June 27, 2017
(Visitation Proceeding), and on or about September 6, 2017
(Family Offense Proceeding), respectively,

CORRECTED ORDER – June 12, 2018

(M-371)

-2-

April 5y 2018

And an order of this Court having been entered on December 12, 2017 (M-4839), granting petitioner-appellant's motion for civil poor person relief, and denying so much of the motion which sought the assignment of counsel (Visitation Proceeding),

And an order of this Court having been entered December 28, 2017 (M-5291), denying petitioner/respondent-appellant's request to consolidate the aforesaid appeals,- denying his request to prosecute the appeal from the order entered on or about September 6, 2017 as a poor person, including the assignment of counsel, and sua sponte, dismissing his appeal taken from the order entered on or about September 6, 2017 (Family Offense Proceeding). The motion was denied without prejudice to petitioner/respondent-appellant filing a motion, with a copy attached thereto of an order, signed by Family Court, denying his motion to set aside his default, as well as a timely notice of appeal,

And petitioner-appellant having (1) renewed his motion for the assignment of counsel to prosecute his appeal from the order entered on or about June 27, 2017; and (2) for poor person relief, including the assignment of counsel, to pursue an appeal taken from an Order of Protection of the Family Court, entered on or about September 13, 2017, denying his motion to vacate the Order of Protection; (3) for consolidation of his appeal in the Family Offense Proceeding with his appeal taken from the June 27, 2017 order suspending his visitation rights with the subject child; and (4) to stay both Family Court orders pending determination of the appeals,

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

Ordered that, sua sponte, petitioner-appellant's September 18, 2017 notice of appeal is deemed one taken from the aforesaid September 13, 2017 order denying his motion to restore the visitation action to this Court's calendar and said appeal is now restored to the calendar; and it is further

CORRECTED ORDER - June 12, 2018

(M-371)

-3-

April 5, 2018

Ordered that petitioner-respondent-appellant is granted civil poor person relief to pursue the appeal taken from the September 13, 2017 Order of Protection, and consolidating said appeal with the appeal taken from the June 27, 2017 order suspending his visitation with the subject child. The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2018.

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

-----X
Michael Schwartzbard,
Plaintiff-Respondent-Appellant,

-against-

M-742
M-784
Index No. 161674/13

Marshall S. Cogan,
Defendant-Appellant-Respondent.
-----X

Defendant having moved for an enlargement of time to perfect the appeal (M-742) taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 26, 2017,

And plaintiff having cross-moved for an enlargement of time to perfect the cross-appeal (M-784) taken from the aforesaid order and judgment (one paper),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross-appeal to the October 2018 Term (M-742/M-784).

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 5, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Kassin Sabbagh Realty, LLC,
Plaintiff-Appellant,

-against-

Carol Pendroff, et al.,
Defendants-Respondents.

M-417
Index No. 654403/13

-----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 April 7, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal 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 5, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
John Joyce,
Petitioner-Appellant-Respondent,

-against-

M-703
Index No. 158793/16

New York City Department of
Education and Carmen Fariña,
Chancellor of the New York City
Department of Education,
Respondents-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 5, 2017,

And petitioner-appellant having moved for an enlargement of time to perfect his appeal taken from the aforesaid order,

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

It is ordered that the motion is granted to the extent of enlarging petitioner's time to perfect the appeal 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 5, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-827
Ind. No. 8378C/10

Francisco Nunez,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 26, 2012,

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 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 5, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-828

Ind. No. 32282C/11

Naim Roper,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 25, 2012, to allow for the receipt of missing minutes as directed in this Court's order entered on January 16, 2018 (M-5161),

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 October 2018 Term of 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 April 5, 2018.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Leonardo Cutone,
Plaintiff-Appellant,

-against-

M-747
Index No. 157774/13

Riverside Towers Corp.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 8, 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 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 5, 2018.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Landmark Ventures, Inc. and
Landmark Ventures (USA) Inc.,
Plaintiffs-Appellants,

-against-

Insightec, Ltd. and Kreisberg &
Maitland, LLP,
Defendants-Respondents.
-----X

M-791
Index No. 653761/16

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about April 4, 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 appeals 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 5, 2018.

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

-----X
Maireny Rodriguez,

Plaintiff-Respondent,

-against-

M-865
Index No. 21149/15E

Zee Brothers Inc., Eli Grego, Alex
Ramos and Joseph Zeitoune,

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 April 20, 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 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 5, 2018.

Present - Hon. Richard T. Andrias, Justice Presiding,
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton, Justices.

-----X

Charlene Ramirez, etc.,
Plaintiff-Respondent,

-against-

M-352
Index No. 26277/15E

William Fero,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 6, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of appellate counsel, and for other relief,

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

It is ordered that, sua sponte, the notice of appeal is deemed timely filed (CPLR 5520[a]), and it is further,

Ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion, to the extent it seeks the assignment of appellate counsel, 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 5, 2018.

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

-----X

Theresa Lento,
Plaintiff-Respondent,

-against-

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

M-1072
Index No. 300369/13

-and-

Nancy Weihe, et al.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated February 23, 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 5, 2018.

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

-----X
David Anderson, as Executor of the
Estate of Gloria Anderson,

Plaintiff-Respondent,

-against-

3512 Oxford Tenants Corp., et al.,

Defendants-Appellants.
-----X

M-1117X
Index No. 300027/16

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 6, 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 5, 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,

CONFIDENTIAL

M-626

-against-

Ind. No. 5059/84

Anthony Peterson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Merchan, J.), entered on or about January 24, 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 Merchan as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, (212) 577-2523 without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-626)

-2-

April 5, 2018

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". The signature is written in a cursive style with a large initial "S" and "R".

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 5, 2018.

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

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

- - - - -
Sheniece B.,
Petitioner-Appellant,

CONFIDENTIAL
M-833

Docket Nos. V-15143-07/15D
V-15154-07/15D

-against-

Ronald B.,
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 an order of the Family Court, New York County, entered on or about November 22, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel

(M-833)

-2-

April 5, 2018

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 April 5, 2018.

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

-----X

In the Matter of

Chris N.,
and Melanie N.,

CONFIDENTIAL
M-841

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

Docket Nos. NA-1610/17
NA-1611/17

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

Sam Bruno R.,
Respondent-Appellant,

Marilu T.,
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 taken from two orders of the Family Court, New York County, both entered on or about January 31, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North

Broadway, Suite 412, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 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-

CONFIDENTIAL
M-993
Ind. No. 3455/13

Juan Medina,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 19, 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 Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's

(M-993)

-2-

April 5, 2018

counsel, Seymour W. James, Jr., Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 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,

CONFIDENTIAL
M-994

-against-

Ind. No. 99062/16

Randolph W. Smalls, Jr.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about February 6, 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, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-995, decided simultaneously herewith.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 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-

Randolph W. Smalls, Jr.,
Defendant-Appellant.

-----X

CONFIDENTIAL
M-995

Ind. No. 99014/16

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about February 6, 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

(M-995)

-2-

April 5, 2018

Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-994, decided simultaneously herewith.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2018.

Present - Hon. Rolando T. Acosta,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer,

Presiding Justice,

Justices.

-----X
1279 St. Johns Place, LLC,

Plaintiff-Respondent,

-against-

Latou Realty Corp., et al.,

Defendants-Appellants.

M-596
Index No. 32082/16E

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term, without prejudice to seeking a further enlargement when a judgment is entered, if so advised.

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 5, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Carmen Kuilin,
Plaintiff-Appellant,

-against-

City of New York,
Defendant-Respondent.

M-597
Index No. 301685/14

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 17, 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 5, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Eugenia Pinkard,
Plaintiff-Appellant,

-against-

M-630
Index No. 101971/15

New York City Department of Education,
United Federation of Teachers and NYSUT,
Defendants-Respondents.

-----X

Plaintiff 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 August 15, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to

(M-630)

-2-

April 5, 2018

appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor, and any other fees in connection therewith.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 5, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of
Olga S.,
Petitioner-Respondent,

-against-

Richard L.,
Respondent-Appellant.

CONFIDENTIAL

M-795

Docket Nos. O-00581/13

V-00580/13

V-00273/14

-----X

Respondent-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 16, 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 5, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Omnivere, LLC,
Plaintiff-Respondent,

-against-

Saul N. Friedman; Saul N. Friedman & Co., M-820
Index No. 154544/16
Simeon Friedman, Ben Friedman,
Intelligent Discovery Management, LLC,
and Balint Brown & Basri, LLC,
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 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 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 5, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Marcie Balint,
Plaintiff-Respondent,

-against-

M-821
Index No. 652230/14

Kopy International LLC, et al.,
Defendants-Appellants.

-----X
Kopy International LLC, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Third Party
Index No. 595438/14

Gadi Rosenfeld,
Third-Party Defendant-Respondent.

-----X

Defendants/third-party plaintiffs-appellants Kopy International LLC, et al., 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 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 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 5, 2018.

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

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

-against-

M-429
Ind. No. 2912/15

Antonio Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 10, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

A handwritten signature in black ink, appearing to read "Christina Swarns", 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 5, 2018.

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

Justice Presiding,

Justices.

-----X
Anthony Penza,
Plaintiff-Appellant,

-against-

M-434
Index No. 109597/11

Olaf Quoohs, Eric Quoohs, Edmund Sylvester,
Anne Sylvester and "John Doe" (This Name
Being Fictitious as the Real Name is
Unknown),
Defendants-Respondents.

-----X
Olaf Quoohs and Eric Quoohs,
Third-Party Plaintiffs,

-against-

Sunrise Restoration Inc.,
Third-Party Defendants.

-----X
Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 7, 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 October 2018 Term. No further enlargements of time will 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 5, 2018.

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

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

-against-

M-680
Ind. No. 2830/16

Salvador Florescala,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 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 as 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 5, 2018.

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

-----X
ICD International Center for the
Disabled, Inc.
Petitioner,

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

-against-

M-688
Index No.152314/17

New York State Department of Health,
State of New York Office of the Medicaid
Inspector General, Dennis Rosen, New York
State Medicaid Inspector General, State of
New York Office of Mental Health and Jankhana
Desai as the Administrative Law Judge,
Respondents.

-----X
Petitioner having moved for an enlargement of time in which to perfect this proceeding, transferred to this Court, pursuant to CPLR 7804(g), by an order of the Supreme Court, New York County, entered on or about May 9, 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 directing petitioner to perfect the proceeding by 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 5, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

SEALED

M-757

Ind. No. 4839/14

Bangaly J.,
Defendant-Appellant.

-----X

Defendant having moved for an order amending the notice of appeal and the order of assignment, entered on December 13, 2016 (M-5365), granting defendant poor person relief to prosecute the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 1, 2016, to include an appeal from a judgment of **resentence** of the same Court, rendered on or about May 2, 2017, and deeming the moving papers a timely filed notice of appeal from the May 2, 2017 judgment of **resentence**,

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 from the May 2, 2017 judgment of **resentence** and extending the order of assignment, entered on December 13, 2016 (M-5365) to include the May 2, 2017 judgment of **resentence**.

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, sentence and **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-757)

-2-

April 5, 2018

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". The signature is written in a cursive style with a prominent initial "S".

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 5, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Anil C. Singh, Justices.

-----x
In the Matter of the Application of
The Shubert Organization Inc., M-1074
Petitioner-Appellant, Index Nos. 258951/07
259372/08
-against- 262003/09
263143/10
The Tax Commission of the City of New York 261555/11
and the Commissioner of Finance of the
City of New York,
Respondents-Respondents.
-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 20, 2017 and December 22, 2017, respectively,

And petitioner having under the aforesaid index numbers moved to consolidate five Real Property Tax Law (RPTL) Article 7 petitions for tax years 2007/2008 through 2011/2012 upon a single record and briefs,

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 petitioner to prosecute the consolidated appeals upon 9 copies of one record and one set of petitioner's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 5, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Angela M. Mazzarelli
Jeffrey K. Oing, Justices.

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

-against-

M-334
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 taken from an order of the Supreme Court, New York County, entered on or about June 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 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 5, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Angela M. Mazzairelli
Jeffrey K. Oing, Justices.

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

-against-

M-556
Index No. 2020/16

Lee Almonte,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 20, 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 5, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Jeffrey K. Oing, Justices.

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

-against-

M-80
M-522
Ind. No. 2742/03

Jose A. Carrasco, also known as
Ruiz Jose A. Carrasco,
Defendant-Appellant.

-----X

Defendant-appellant having moved to relieve assigned 18-B counsel Leonard J. Levenson, Esq., and to substitute other counsel on the appeal taken from a judgment, Supreme Court, Bronx County, rendered on or about December 18, 2008, under Bronx Co. Indictment No. 2742/03 (M-80),

And defendant-appellant having moved to relieve assigned 18-B counsel Leonard J. Levenson, Esq., and substitute other counsel on the appeal taken from a judgment of the same Court, rendered on or about December 18, 2008 (M-522),

And an order of this Court having been entered on October 2, 2012 (M-3356), denying defendant's motion to deem the moving papers as a timely filed notice of appeal, for poor person relief and assignment of counsel,

And an order of this Court having been entered on February 15, 2018 (M-6186) granting defendant's motion for reconsideration of the prior motion (M-3356) only to the extent of deeming the moving papers as a timely filed notice of appeal, and otherwise denied said motion with leave to renew, upon submission of a notarized affidavit setting forth indigency in compliance with CPLR 1101, including a statement whether his trial counsel was retained and if so, setting forth an explanation as to why funds similar to those used to retain counsel in the lower Court are not available to pursue his appeal,

And an order of this Court having been entered on June 5, 2012 (M-1772) granting defendant leave to prosecute, as a poor person, on an **unrelated appeal**, under Indictment No. 2015C/05, from the judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2008, and assigning 18-B counsel Leonard J. Levenson, Esq., on that 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 motions (M-80/M-522) are denied as unnecessary, inasmuch as counsel Leonard J. Levenson, Esq., was not assigned as appellate counsel on the present appeal from the December 18, 2008 judgment under Bronx Co. Indictment No. 2742/03, but rather on an **unrelated appeal** (see order M-1772) under Indictment No. 2015C/05.

ENTERED:



CLERK