

At a 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 10, 2018.

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

-----X

Michael Triolo,

Plaintiff-Respondent,

-against-

M-755
Index No. 160023/15

City Recycling Corp.,

Defendant-Appellant.

-----X

Defendant-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 1, 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 10, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-766
Ind. No. 2089/16

Teofilo Donabaln,
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 21, 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 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.

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 10, 2018.

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

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

Respondent,

CONFIDENTIAL

M-796

-against-

Ind. No. 2328/16

Adam Widgins,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 6, 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 10, 2018.

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

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

Respondent,

-against-

Anthony Criscuolo,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-732

Ind. No. 2055/13

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 10, 2018.

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

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

Respondent,

-against-

Jorge Ramirez,

M-731
Ind. Nos. 982/15
1947/15

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 May 18, 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 10, 2018.

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

-----x
Danny Frias,

Plaintiff-Appellant,

-against-

M-669
Index No. 305747/10

Andrew Gula, etc., et al.,

Defendants-Respondents.
-----x

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 22, 2016,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2018.

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

-----X

Michael Casalini, et al.,
Plaintiffs-Appellants,

-against-

M-792
Index No. 102184/10

Alexander Wolf & Son, etc., et al.,
Defendants-Respondents,

Manhattan Mall Eat, LLC, et al.,
Defendants.

- - - - -

Manhattan Mall Eat, LLC, et al.,
Third-Party Plaintiffs,

Strawberry Stores, Inc., et al.,
Third-Party Plaintiffs-
Respondents,

Index No. 590573/10

-against-

Florin Painting, Inc.,
Third-Party Defendant-Respondent.

- - - - -

Alexander Wolf & Son a Division, etc.,
Second Third-Party Plaintiff-
Respondent,

Index No. 590224/11

-against-

Florin Painting, Inc.,
Second Third-Party Defendant-
Respondent.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on January 16, 2018 (Appeal Nos. 5227-5229),

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 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Katherine Kelly,

Plaintiff-Respondent,

-against-

M-1213

Index No. 402887/08

New York City Transit Authority,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 25, 2017, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 Jeffrey K. Oing
 Peter H. Moulton, Justices.

-----x
Areotek, Inc., et al.,
Plaintiffs-Respondents,

-against-

757 3rd Avenue Associates, LLC, M-1035
Defendant-Appellant, Index No. 654294/16

-and-

MEPT 757 Third Avenue, LLC,
Defendant.

-----x

An appeal having been taken to this Court from an amended order of the Supreme Court, New York County, entered on or about October 23, 2017, and said appeal having been perfected,

And plaintiffs-respondents having moved for leave to file a supplemental record on appeal containing defendants' "Reply Memorandum of Law in Further Support of Motion to Dismiss by Defendant 757 3rd Avenue Associates, LLC,"

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. Sua sponte, those portions of plaintiff-respondents' brief at p. 17 and fn. 1 referring to the Memorandum of Law at issue are deemed stricken.

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 10, 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-958

Ind. No. 884/15

Kristal Del Valle,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 30, 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 10, 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-

Woodie Dotson,

Defendant-Appellant.
-----X

M-959
Ind. Nos. 3675/16
4347/16

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 17, 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 10, 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-818
Ind. No. 4139/11

Jorge Garcia,

Defendant-Appellant.
-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 10, 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-954
Ind. No. 1511/16

Michael Anthony

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 15, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 10, 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-961
Ind. Nos. 2697/14
1140/14

Sherman Gamble,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 10, 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-870
Ind. No. 2400/16

Efrain Rodriguez,
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, Bronx County, rendered on or about September 7, 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 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.

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

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 10, 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-960
Ind. No. 3463/16

James Evans,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 8, 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 10, 2018.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-956

Ind. No. 1684/12

Alejandro Campos,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 1, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 10, 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-

Yonander Cuevas,

M-957

Ind. No. 1163/10

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 13, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 10, 2018.

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

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

-against-

CONFIDENTIAL
M-569
Ind. No. 2135/13

Taye Elleby,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on January 26, 2017 (Appeal No. 2879), unanimously affirming a judgment of the Supreme Court, New York County (Patricia Nunez, J.), rendered on February 5, 2014,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Application of New York Community Bank,
Petitioner-Respondent,

For a Turnover Order Pursuant to
CPLR 5225(b),

-against-

M-1116
Index No. 158084/17

Bank of America, N.A.,
Respondent-Garnishee,

Ari Chitrik, etc., et al.,
Notice Respondents-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about March 1, 2018,

And respondents-appellants having moved for a stay of enforcement of the order and judgment, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of staying only the turnover of the contents, without staying Bank of America from opening the safe deposit box, inventorying the contents, and disclosing to the Sheriff, for further disclosure to petitioner, what the contents consist of, on condition that respondents-appellants perfect the appeal for the September 2018 Term, without prejudice to petitioner seeking vacatur of the limited stay should respondents fail to timely perfect. The stay

granted by the order of a Justice of this Court, dated March 2, 2018, is vacated with respect to staying the Sheriff or Bank of America from opening the subject safe deposit box, and continued with respect to the restraining notice.

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 10, 2018.

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

-----X

Isaac Ralph Dweck,

Plaintiff-Respondent,

-against-

M-566
Index No. 152015/14

Ancient Modern Art, LLC, doing
business as Lois Hill Accessories,
et al.,

Defendants-Appellants.

-----X

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about January 17, 2018 and January 25, 2018,

And defendants-appellants having moved for a stay of the enforcement of the aforesaid orders, as well as a stay of trial, pending hearing and determination of the aforesaid appeals,

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 10, 2018.

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

-----X

In re Angelos F.,

A Dependent Child Under the Age
of Eighteen Years, etc.,

Leonidas F.,
Respondent-Appellant,

Administration for Children's
Services,
Petitioner-Respondent.

-----X

CONFIDENTIAL

M-472

Docket No. NN-33880/15

Respondent-appellant 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. 5199), and for poor person 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, to the extent it seeks leave to appeal to the Court of Appeals, is denied. So much of the motion which seeks poor person relief 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 10, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-898
Index No. 155985/14

Elaine Platt,
Defendant-Respondent-Appellant.

-----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 February 15, 2018,

And defendant-respondent-appellant having moved for a stay of enforcement of the aforesaid order and judgment and for an enlargement of time to perfect her cross appeal, pending determination of related, perfected, consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about January 7, 2016 and June 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 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 10, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

Lawrence Kingsley,
Plaintiff-Appellant,

-against-

300 W. 106th St. Corp.,
Defendant-Respondent.

-----x

M-1118

M-1233

Index No. 162016/15

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about June 27, 2016, and said appeal having been perfected,

And five further appeals having been taken by plaintiff from three orders of the Supreme Court, New York County, entered on or about March 23, 2017, and from two orders of said Court and Justice, entered on or about June 6, 2017,

And an order of this Court having been entered on September 26, 2017 (M-4283/M-4463), inter alia, consolidating all of the aforesaid appeals, and enlarging the time to perfect same for the February 2018 Term,

And an order of this Court having been entered on May 2, 2017 (M-672/M-1792), adjourning the perfected appeal to the October 2017 Term, and consolidating the perfected appeal from the order entered on or about June 27, 2016 with the appeal from the orders entered on or about March 23, 2017,

And an order of this Court having been entered on January 11, 2018 (M-6405), inter alia, enlarging the time to perfect the consolidated appeals to the May 2018 Term, and adjourning the calendared appeal from the order entered on or about June 27, 2016 to the May 2018 Term,

And plaintiff-appellant having moved for leave to file a substituted amended brief in connection with the aforesaid appeals (M-1118),

And defendant-respondent having cross-moved for dismissal of all the aforesaid appeals or, in the alternative, to adjourn the time to file a respondent's brief (M-1233),

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 (M-1118) is granted to the extent of permitting plaintiff-appellant leave to file a supplemental appendix consisting of the amended Table of Contents, and Table Authorities (Exhibit B to the moving papers), and a corrected p. 60 of the brief on appeal (Exhibit A to the moving papers) within seven days after the date of entry hereof, and it is further,

Ordered that the cross motion (M-1233) is denied as unnecessary insofar as it seeks an adjournment, the appeal having been previously adjourned, and denied without prejudice to arguments in the respondent's brief insofar as the cross motion seeks dismissal of certain appeals as academic, and 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 10, 2018.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X
Springut Law PC,

Plaintiff-Appellant,

-against-

Rates Technology Inc., et al.,

Defendants-Respondents.
-----X

M-846
Index No. 156233/14

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 30, 2018 (Appeal No. 5557),

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 10, 2018.

Present: Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

In re Letitia James, etc.,
Petitioner-Respondent,

M-305

C.P., etc., et al.,
Petitioners,

Index No. 101557/15

-against-

City of New York, et al.,
Respondents,

New York City Department of Education,
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 October 3, 2017 (Appeal No. 4571),

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 10, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
State of New York, City of New York,
ex rel. Leonard M. Campagna,
Plaintiff-Respondent,

-against-

M-1386
Index No. 100516/14

Post Integrations, Inc., Ebocom, Inc.,
And Mary Gerdts,
Defendants-Appellants.

The City of New York,
Amicus Curiae.
-----X

An appeal having been taken to this Court by the above-named defendants from the order of the Supreme Court, New York County, entered on or about October 12, 2017, and said appeal having been perfected,

And the City of New York having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file 9 copies of said brief amicus curiae within 7 days of the date of entry of the within motion.

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 10, 2018.

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

-----X
Lastarza Holmes, by her Guardian
Ad Litem, Brian J. Isaac, Esq.,

Plaintiff-Appellant,

-against-

M-336
Index No. 302482/14

New York City Transit Authority,
et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx 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 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 10, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
B.C.R.E. 90 West Street, LLC,

Petitioner-Respondent,

-against-

M-6775
Index Nos. 570649/15
63467/15

Patricia Hodge,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Supreme Court, New York County, entered on or about November 28, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

The order attached to respondent-appellant's moving papers, however, is actually an order of this Court, entered November 28, 2017 (M-4629), which denied respondent-appellant's motion for poor person relief to prosecute her purported appeal from an order of the Appellate Term, First Department, entered on August 31, 2015,

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

It is ordered that said motion is denied and, sua sponte, the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

-----X
Arthur Kevin Berry,

Plaintiff-Appellant,

-against-

M-1385
Index No. 158919/16

The New York State Department of
Tax and Finance, et al.,

Defendants-Respondents.
-----X

An appeal having been taken to this Court by the above-named plaintiff from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 21, 2017,

And movants Brooklyn Legal Services, Brooklyn Legal Services Corp. A, The Legal Aid Society, and Syracuse University College of Law Low Income Taxpayer Clinic, having moved for leave to file a brief and leave to appear amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file nine copies of the brief amici curiae within seven days of the date of entry of the within motion.

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 10, 2018.

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

-----X
National Union Fire Insurance
Company of Pittsburgh, PA, and
Illinois National Insurance Company,

Plaintiffs-Respondents,

-against-

The Roman Catholic Diocese of
Brooklyn; St. Joseph Services for
Children, Inc., formerly known as
Catholic Child Care Society of the
Diocese of Brooklyn, Inc.; Heart
Share Human Services of New York,
Roman Catholic Diocese of Brooklyn,
Inc., formerly known as Catholic
Guardian Society of the Diocese of
Brooklyn, Inc.; SCO Family Services,
Inc., formerly known as
Saint Christopher Ottilie,

M-432
Index No. 653575/14

Defendants-Appellants,

-and-

City of New York, et al.,

Defendants.

-----X

Defendants-appellants 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 May 25, 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 10, 2018.

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

-----X
Old Republic Insurance Company,
directly as subrogee of STS Steel,
Inc.,
Plaintiff-Respondent,

-against-

M-675
Index No. 155995/12

United National Insurance Company,
Defendant-Appellant.
-----X

Defendant-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 21, 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, with leave to seek further enlargements, if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

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

Anonymous,
Petitioner,

SEALED

M-1389

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

Index No. 101578/17

-against-

Sheila J. Poole, in her capacity as
Acting Commissioner of the New York
State Office of Children and Family
Services, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 1, 2018, to review a determination of respondents, and the proceeding having been perfected,

And petitioner having moved for a calendar preference,

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 granting a calendar preference for 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 10, 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

Nytaskia W.,

A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an Order of Disposition of the Family Court, New York County, entered on or about April 24, 2017,

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

It is ordered that the motion is 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 10, 2018.

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

-----X
Underground Utilities, Inc.,

Plaintiff-Appellant,

-against-

M-694
Index No. 157356/14

Comptroller of the City of
New York, and The City of New York,

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 April 25, 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 10, 2018.

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

-----X
Metropolitan Commercial Bank,
Plaintiff-Appellant,

-against-

M-655
Index No. 655631/16

McCab I Corporation and Medallion
Funding 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 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 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 10, 2018.

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

-----X
Metropolitan Commercial Bank,
Plaintiff-Appellant,

-against-

M-656
Index No. 655632/16

McCab II Corporation and Medallion
Funding 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 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 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 10, 2018.

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

-----X
Metropolitan Commercial Bank,
Plaintiff-Appellant,

-against-

M-657
Index No. 655633/16

McCab III Corporation and Medallion
Funding 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 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 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 10, 2018.

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

-----X
Metropolitan Commercial Bank,
Plaintiff-Appellant,

-against-

M-658
Index No. 655634/16

McCab IV Corporation and Medallion
Funding 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 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 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 10, 2018.

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

-----X
Metropolitan Commercial Bank,

Plaintiff-Appellant,

-against-

Medallion Funding Chicago Corp.,
and Medallion Funding LLC,

Defendants-Respondents.
-----X

M-659
Index No. 655635/16

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 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 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 10, 2018.

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

-----X
Soma Brasil Representacoes
Comerciais Ltda., et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-431
Index No. 651886/15

JHSF Participacoes S.A., et al.,

Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 22, 2016,

And plaintiffs-appellants-respondents having moved for an enlargement of time to perfect their appeal 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 the time to perfect the appeal and cross 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 10, 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, M-977
M-1026
-against- Ind. No. 1501/09

Jonlabarro Seay, also known as
Jonlabarron Seay,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about June 15, 2010,

And defendant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-977),

And the People having moved for dismissal of the aforesaid appeal (M-1026),

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

It is ordered that the motion is granted to the extent of 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 (M-977).

The People's motion to dismiss the appeal is denied (M-1026).

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 10, 2018.

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

-----x
Anthonia Ifeoma Omeke,

Plaintiff-Appellant,

-against-

City of New York, et al.,

Defendants-Respondents.
-----x

M-612
Index No. 302827/16

Defendant-respondent Ford Motor Company having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 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 and the appeal is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2018.

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

-----X
The People of the State of New York
ex rel. Jose Ramirez,

Petitioner,

-against-

M-6537
Ind. No. 1812/17

Joseph Aponte, etc., et al.,

Respondents.
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, for poor person relief and the assignment of 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 denied, the proceeding is dismissed, and that branch of the motion seeking, inter alia, poor person relief, is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 10, 2018.

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

-----X
Maria Salinas,

Plaintiff,

-against-

M-949
Index No. 308919/12

225 East Mosholu LLC, Joremi Enterprises,
Inc. and Weiss Realty LLC, and A&G
Plastering and Tiles Corp., also known as
A&G Plastering & Tiles,

Defendants.
-----X

Plaintiff having moved, pursuant to CPLR 5704, to set aside the lower court's refusal to sign a proffered order to show cause seeking to grant the relief requested therein, inter alia, quashing the subpoena duces tecum of non-party William Cruz, on the basis that such relief had been denied by a prior order. Plaintiff also seeks an order of this Court granting such relief. Alternatively, plaintiff moves to stay the subpoena until the order to show cause is signed.

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

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

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

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

M-1106
Ind. No. 0058/07

-against-

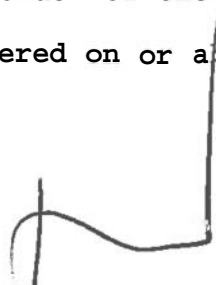
CERTIFICATE
GRANTING LEAVE

Andrew Blake,
Defendant-Appellant.

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I, Troy K. Webber, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that in the proceedings herein
questions of law or fact are involved which ought to be reviewed by
the Appellate Division, First Judicial Department, and, pursuant to
Section 460.15 of the Criminal Procedure Law, permission is hereby
granted to the above-named defendant to appeal to the Appellate
Division, First Judicial Department, from the order of the Supreme
Court, New York County (Michael Obus, J.), entered on or about
December 22, 2017.¹

Dated: April 3, 2018
New York, New York



EETEPi!

APR 10 2018

Hon. Troy K. Webber
Associate Justice

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

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