

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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Midtown Acquisitions L.P.,
Plaintiff-Respondent,

Barclays Bank PLC, et al.,
Plaintiffs,

-against-

Essar Global Fund Limited,
Defendant-Appellant.

SEALED
M-3570
Index No. 157086/16

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on June 26, 2018 (Appeal Nos. 6986-6986A),

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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Dana Smolen,
Plaintiff-Appellant,

-against-

M-4956
Index No. 157617/16

Adam L. Hernandez, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about August 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 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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Laura L. Torres and Iraida A. R., an
infant by her mother and natural guardian
Laura L. Torres,
Plaintiffs-Appellants,

-against-

M-4958
Index No. 350172/13

Enoch Sromawuda, et al.,
Defendants-Respondents.

-----X
Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered 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 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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

M-4699
Ind. No. 1327/17

Raul Vargas,
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, New York County, rendered on or about September 28, 2017, 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.

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 December 4, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Ana Castillo, as the Mother and
Natural Guardian of S.S., an infant
under the age of 14, and Ana Castillo,
Individually,
Plaintiffs-Appellants,

-against-

Robert Lopez, M.D., et al.,
Defendants-Respondents.

M-5672
M-5763
Index No. 350418/08

-----X

Plaintiffs-appellants having moved for a further enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about November 13, 2017 (M-5672),

And defendants-respondents New York Presbyterian Hospital and John T. Flynn, M.D., having cross-moved to dismiss the aforesaid appeal for failure to timely perfect (M-5763),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2019 Term, with no further enlargements to be granted (M-5672). The cross motion is granted unless the appeal is perfected for said March 2019 Term (M-5763).

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 December 4, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
Hertz Vehicles, LLC,
Plaintiff-Appellant,

-against-

Best Touch PT, P.C., et al.,
Defendants-Respondents,

M-3734
Index No. 156148/16

Daniel Cohen, M.D.,
Defendant.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 28, 2018 (Appeal No. 7028N),

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 December 4, 2018.

PRESENT: Hon. Ellen Gesmer, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In re 530 Second Ave. Co., LLC,
Petitioner-Respondent,

-against-

M-4861
Index No. 570431/14

Lillian Zenker,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 27, 2018 (Appeal No. 5827),

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 December 4, 2018.

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

-----X
John Melvin,
Plaintiff-Respondent,

-against-

CNY Construction Management, Inc.,
et al.,
Defendants-Respondents.

M-5322
Index No. 158163/13

- - - - -
CNY Construction Management, Inc.,
Third-Party Plaintiff-Respondent,

-against-

ALBA Carting & Demolition, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 2, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 16, 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 December 4, 2018.

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

-----X
Maneesh Awasthi and Virupaksha Raparathi,
individually and doing business as
Marv Investment Management, LLC and
derivatively on behalf of Blackbridge
Capital, LLC,
Plaintiffs-Respondents-Appellants,

-against-

Alexander Dillon, Julian Cosmin Panait,
Blackridge Capital Growth Fund LLC, and
GPL Ventures LLC,
Defendants,

M-5333
M-5334
Index No. 650057/16

-and-

Tsamutalis and Company and Socrates
Tsamutalis,
Defendants-Appellants-Respondents.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 23, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 4, 2018.

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

-----X
Socorro Delgado,

Plaintiff-Respondent,

-against-

231 Food Corp.,

Defendant-Appellant.
-----X

M-5236
Index No. 301138/15

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 19, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 2, 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 December 4, 2018.

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

-----X
Lestra Burton,
Plaintiff,

-against-

M-5241X
Index No. 306209/13

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

-----X
The City of New York, et al.,
Third-Party Plaintiffs-Respondents

Third-Party
Index No. 840084/14

-against-

Temco Service Industries, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 18, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 19, 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 December 4, 2018.

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

-----X
Jamilah Duvall,

Plaintiff-Appellant,

-against-

M-5249

Index No. 23220/14E

Montefiore Medical Center, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 8, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 9, 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 December 4, 2018.

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

-----X
Rima Krigsman, as Executor of the
Estate of Dora Avrumson,
Plaintiff-Respondent,

-against-

Israel Goldberg, Goldberg & Rimberg
PLLC, Goldberg & Rimberg Counselors
at Law PLLC, Goldberg, Rimberg &
Friedlander PLLC and Israel Goldberg,
PLLC,
Defendants-Appellants,

-and-

Nicholas Kowalchyn, Esq.,
Defendant-Respondent.

M-5251
Index No. 151271/16

-----X
Israel Goldberg, Goldberg & Rimberg
PLLC, Goldberg & Rimberg Counselors
at Law PLLC, Goldberg, Rimberg &
Friedlander PLLC and Israel Goldberg,
PLLC,
Third-Party Plaintiffs-Appellants,

-against-

Nicholas Kowalchyn, Esq.,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 20, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 25, 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 December 4, 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-5208
Ind. Nos. 2584/17
2553/17

Mervyn Rameau,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 27, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about February 27, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo". The signature is written in a cursive style with a large initial "J" and "L".

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 December 4, 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-5216
Ind. No. 81/17

Jose Delgado,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 12, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 12, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo", written in a cursive style. The signature is positioned above a horizontal line.

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 December 4, 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-5212
Ind. No. 223/18

Jermaine Rivera,

Defendant-Appellant.
-----X

Defendant-appellant 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 September 20, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 December 4, 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-5218
SCI No. 133/18

Kenneth Brobby,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 23, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 23, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5218)

-2-

December 4, 2018

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo". The signature is written in a cursive style with a large initial "J" and "L".

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 December 4, 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-5222
Ind. No. 2661/17

Daniel Shipman,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 16, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 16, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo", written in a cursive style. The signature is positioned above a horizontal line.

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 December 4, 2018.

Present - Hon. Rolando T. Acosta, Justice Presiding,
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-5221

Ind. No. 439/17

Angel Pimental,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 14, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 14, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 December 4, 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-5224
Ind. No. 532/17

James Gallardo,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 19, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 19, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo". The signature is written in a cursive style with a large initial "J" and "L".

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 December 4, 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-5257
Ind. Nos. 2418/16
2417/16

Maribel Pizarro,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 29, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 29, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo". The signature is written in a cursive style with a large initial "J" and "L".

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 December 4, 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-5261
Ind. No. 2812/17

William Greaves,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 26, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 26, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5261)

-2-

December 4, 2018

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo", written in a cursive style. The signature is positioned above a horizontal line.

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 December 4, 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-5220
Ind. No. 444/10

Shaviye Harris,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 13, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine M. Luongo". The signature is written in a cursive style with a large initial "J" and "L".

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 December 4, 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-5256
Ind. No. 2063/15

Miguel Rivera,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 27, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 27, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Justine Luongo", 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 December 4, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

-----X
Maura Lemetti and Daniel Lemetti,
Plaintiffs-Appellants,

-against-

Mark Mohrmann, M.D., M-4833
Defendant-Respondent, Index No. 21586/16E

-against-

Albert Einstein Hospital/Montefiore,
Defendant.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, entered on or about February 22, 2018, on the ground that no appeal was taken from an order entered upon the default of the aggrieved party (CPLR 5511),

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 December 4, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Christine A. Basilicata, as Administratrix
of the Estate of Benjamin M. Diaz,
Deceased and Christine A. Basilicata,
individually,
Plaintiffs-Appellants,

M-4826
Index No. 26705/16E

-against-

Barry M. Katzman, M.D., Jyoti Shah, M.D.,
Boris Livshin, M.D. and Hillside Surgicare,
Defendants-Respondents.

-----X

Defendant-respondent Hillside Surgicare having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 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 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 December 4, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

Kenworth S.,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

CONFIDENTIAL

M-4835

Claim No. 128819

Ind. No. 2147/08

-----x

An appeal having been taken to this Court from the order of the Court of Claims, Albany County, entered on or about October 17, 2017, under the case caption *Scarlet v The State of New York* (Claim No. 128819),

And an order of this Court having been entered on May 20, 2018 (M-1553), inter alia, denying claimant-appellant's motion for leave to prosecute the appeal as a poor person, and reinstatement of his appeal under the case caption, *People v Kenworth S.* (Ind. No. 2147/08), and for related relief,

And an order of this Court having been entered on September 6, 2018 (M-3142), denying claimant-appellant's motion for clarification of the aforesaid order (M-1553),

And claimant-appellant, pro se, having moved for permission to submit additional evidence relating to the facts of his case,

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

(M-4835)

-2-

December 4, 2018

It is ordered that the 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 December 4, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Amgad M. Abdou,
Plaintiff-Appellant,

-against-

M-4957
Index No. 156570/14

A.T. Cab Corp., et al.,
Defendants-Respondents.

-----X

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 8, 2016 and January 5, 2017,

And defendants-respondents having moved to dismiss the aforesaid consolidated appeals for failure to timely perfect,

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 consolidated appeals are 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 December 4, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-4986
Ind. No. 1254/14

Manuce Dulcio,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 9, 2018(M-5786), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2016, and assigning Seymour W. James, Esq., predecessor to Justine M. Luongo, Esq., the Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Justine M. Luongo, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of the receipt of the complete 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 December 4, 2018.

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

-----X
In re Regina Metropolitan Co., LLC,
Petitioner-Appellant,

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

M-4876
Index No. 101235/15

Leslie E. Carr,
Intervenor-Respondent.

Community Housing Improvement Program,
Inc.,
Amicus Curiae.

In re Leslie E. Carr,
Petitioner-Appellant,

-against-

Index No. 101236/15

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

Regina Metropolitan Co., LLC,
Intervenor-Respondent.

-----X

Respondent-respondent New York State Division of Housing and Community Renewal having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 16, 2018 (Appeal No. 5026),

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

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

"Was the order of this Court, which modified the order and judgment (one paper) of the Supreme Court, properly made?"

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

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 December 4, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Jason Antonio,
Plaintiff-Respondent,

-against-

West 70th Owners Corp.,
Defendant-Appellant-Respondent,

M-5078
Index No. 305769/14

-and-

Titan Capital Group II LLC,
Defendant,

-and-

Sepi Realty LLC,
Defendant-Respondent-Appellant.

-----X

Appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about April 25, 2018,

And defendant-respondent-appellant Sepi Realty LLC having moved for 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 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 December 4, 2018.

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

-----X
David Blumenberg and Cecilia
Blumenberg,
Plaintiffs-Appellants-Respondents,

-against-

M-5178
Index No. 109107/10

Lehr Construction Corp., Hofstra
University, and Titan Contracting
Group, Inc.,
Defendants-Respondents-Appellants.

-----X
Lehr Construction Corp., and Hofstra
University,
Third-Party
Plaintiffs-Appellants-Respondents,

-against-

Titan Industrial Services Corp.,
Third-Party
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent David Blumenberg having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 23, 2018,

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

(M-5178)

-2-

December 4, 2018

It is ordered that the motion is granted on condition the appeal is perfected on or before December 31, 2018 for the March 2019 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 December 4, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-4949
Ind. No. 1304/09

David Snipes,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2010, a judgment of **resentence** of said Court, rendered on or about December 12, 2017, and from an order of the same court and Justice, entered on or about October 27, 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 consolidated appeals to the April 2019 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 December 4, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Judith J. Gische
 Barbara R. Kapnick
 Ellen Gesmer
 Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
Von Wynn,
 Petitioner-Appellant,

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

-against-

M-4982
Index No. 101253/17

Jordan Mazure, Records Access Appeals
Officer,
 Defendant-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 27, 2018, 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 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 December 4, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer
Anil C. Singh, Justices.

-----x
The People of the State of New York
ex rel. Alma Magana, Esq., on behalf
of Emell Jones,
Petitioner-Appellant,

-against-

M-4521
Index No. 451312/18

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

-----x

Petitioner-appellant having moved, inter alia, for a reduction in bail pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2018,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto withdrawing the appeal, and the correspondence from counsel for petitioner-appellant, dated October 23, 2018, withdrawing the within motion as well as the appeal, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdrawn in accordance with the aforesaid stipulation and correspondence.

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 December 4, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X
State of New York ex rel.

Kristie Perkins,
Plaintiff-Appellant,

-against-

Cooke Center for Learning & Development,
Inc.,
Defendant-Respondent.

-----X

M-4807

Index No. 100851/14

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 August 23, 2018 (Appeal No. 6633),

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 December 4, 20187.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Peter Tom, Justices.

-----X
Maria Zayas,
Plaintiff-Appellant,

-against-

Irene Schulman, M.D., et al.,
Defendants-Respondents.

M-4529
Index No. 20348/13

-----X

Defendant-respondent Irene Schulman, M.D. having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 2, 2016, for failure to timely perfect,

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 December 4, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

Ameriprise Insurance Company,
Petitioner-Respondent,

-against-

Kensington Radiology Group, P.C. as
assignee of Zoila McBean,
Respondent-Appellant.

M-4501
New York County
Clerk's No. 570192/17

-----X

An order of this Court having been entered on August 16, 2018 (M-2776), inter alia, granting respondent-appellant leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 22, 2017,

And the New York City Transit Authority 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 denied, without prejudice to renew, once the appeal is perfected.

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 December 4, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

Genna I. Cadny,
Plaintiff-Appellant,

-against-

M-5043

Index No. 103628/08

Department of Parks and Recreation,
et al.,
Defendant-Respondent.

-----X`

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 11, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

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 December 4, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

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

Respondent,

M-5045

Ind. No. 1947/15

-against-

Freisy Sosa-Garcia,

Defendant-Appellant.
-----X

An order of this Court having been entered on September 20, 2018(M-3012) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2016, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of the receipt of the complete 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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Jeffrey K. Oing, Justices.

-----X

Application of Albert Sigal and Barbara L. De Mare, as Co-Executors of the Estate of M. Michael Kulukundis, Deceased, Petitioners-Respondents,

Surrogate's Court

M-5049

File No. 2010-3411

For a Decree Pursuant to SCPA § 2103 Ordering Tara Kulukundis, Respondent-Appellant,

To Turn Over Estate Property in Her Possession, Custody and Control.

-----X

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about June 15, 2018,

And respondent-appellant having moved for an order staying the enforcement of the order, which allows for the eviction of respondent if she fails to turn over and vacate the subject cooperative apartment by January 15, 2019, 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 December 4, 2018.

Present - Hon. Dianne T. Renwick,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing,

Justice Presiding,

Justices.

-----X

In the Matter of

Derrick C.,
Nyh Lee C.,
and Sherri C.,

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

CONFIDENTIAL
M-5075

Docket Nos. NA-30607/17
NA-30606/17
NA-30605/17

Administration for Children's Services,
et al.,
Petitioners-Respondents,

Derrick C., Sr.,
Respondent-Appellant,

Tiffany R.,
Respondent.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about January 23, 2018,

And, respondent-appellant having moved, through assigned counsel Andrew J. Baer, Esq., to withdraw the appeal and to relieve said counsel from his assignment,

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 appeal withdrawn, and relieving Andrew J. Baer, Esq., as assigned appellate counsel.

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 December 4, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Malou Mananghaya, as Administratrix
of the Estate of Tristan Michael
Mananghaya, et al.,
Plaintiffs-Appellants,

-against-

M-5141
M-5113

Bronx-Lebanon Hospital Center,
Defendant-Respondent,

Index No. 20191/13

-and-

Napoli Transportation, Inc., etc.,
Defendant.

- - - - -

Napoli Transportation, Inc., etc.,
Third-Party Plaintiff,

-against-

Index No. 83819/13

Aggreko, LLC,
Third-Party Defendant-Respondent.

- - - - -

The Bronx-Lebanon Hospital Center,
Second Third-Party Plaintiff,

-against-

Index No. 83953/13

Aggreko, LLC,
Second Third-Party Defendant-
Respondent.

-----X

Defendant/second third-party plaintiff respondent, Bronx Lebanon Hospital Center, 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 September 13, 2018 (Appeal No. 6720)[M-5141],

And third-party/second third-party defendant-respondent, Aggreko, LLC, having separately moved for the same relief [M-5113],

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

It is ordered that the motions are 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 December 4, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-4633A
Ind. No. 5745/07

Marvin Holmes,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on October 23, 2018 (M-4633), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County (Mark Dwyer, J.), entered on or about August 15, 2018, which denied his motion pursuant to CPL 440.10,

And defendant-appellant having moved for poor person relief and the assignment of counsel to prosecute the appeal from said order,

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

It is ordered that poor person relief 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 an original and five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, with this Court, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-4510
Ind. No. 8213/99

-against-

CERTIFICATE
DENYING LEAVE

Anthony Woods,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 21, 2018 (Roger S. Hayes, J.) is hereby denied.


Associate Justice

Dated: November 8, 2018
New York, New York

ENTERED: **DECEMBER 4 2018**

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-5617
Ind. No. 2362N/16

-against-

CERTIFICATE
GRANTING LEAVE

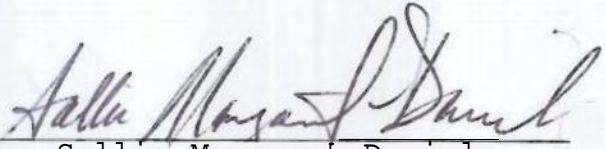
Steven Baylor,

Defendant.

-----X
I, Sallie Manzanet-Daniels, 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, entered on or about October 4, 2018.¹

Dated: November 20, 2018
New York, New York

ENTERED DEC - 4 2018


Hon. Sallie Manzanet-Daniels
Associate Justice

XIn 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.

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 December 4, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
The People of the State of New York
ex rel. Robert Moore,
Petitioner,

-against-

Keisha Smalls, Warden,

Respondent(s).

CONFIDENTIAL

M-4728

Docket. No. 34798/18

-----X
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court 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 be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Rikers Island; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York County, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTERED:



CLERK