

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 February 8, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----X  
Joe Marco,  
Plaintiff-Respondent,

-against-

M-186  
Index No. 23185/13E

Tower 111, LLC,  
Defendant-Appellant.

-----X  
Tower 111, LLC,  
Third-Party Plaintiff-  
Respondent-Appellant,

-against-

Golf and Body NYC, LLC and W&W  
Glass, LLC,  
Third-Party Defendants-  
Appellants-Respondents.

-----X

Third-party/defendant-appellant-respondent W&W Glass, LLC, having moved for a stay of trial pending hearing and determination of the appeals taken from an order of the Supreme Court, Bronx County, entered on or about December 19, 2016, and said appeals having been perfected,

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 February 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Richard T. Andrias, Justices.

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

-against-

Yolanda DeJesus,  
Defendant-Appellant.

M-6547  
Ind. Nos. 614/16  
1647/16

-----X

An order of this Court having been entered on July 25, 2017 (M-3292), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 3, 2016, under Indictment No. 614/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 1647/16,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 1647/17, and extending the poor person relief and assignment of counsel previously granted to cover same.

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 February 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

-against-

Jeffrey Childs,  
Defendant-Appellant.

M-5417  
Ind. Nos. 3881N/15  
573/16

-----X

An order of this Court having been entered on April 18, 2017 (M-1573), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 27, 2016, under Indictment No. 3881N/15, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the appeal from the judgment of said Court rendered April 27, 2016 under Ind. No. 573/16,

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

It is ordered that said motion is granted to the extent of amending defendant's aforementioned order to include the appeal from the judgment rendered on or about April 27, 2016 under Ind. No. 573/16, and extending the poor person relief previously granted to cover same.

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 February 8, 2018.

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

-----X  
J. Armand Musey,  
Plaintiff-Appellant,

-against-

425 East 86 Apartments Corp., et al.,  
Defendants-Respondents,

George Greenberg,  
Defendant.

M-6542  
Index No. 157316/14

-----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 October 3, 2017 (Appeal Nos. 4279-4280),

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 February 8, 2018.

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

-----X

Glaze Teriyaki, LLC,

Plaintiff-Respondent,

-against-

M-6315

Index No. 653883/13

MacArthur Properties I, LLC,

Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 9, 2017 (Appeal No. 4791),

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 February 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Angela M. Mazzaelli  
Troy K. Webber  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----x

Everbank,  
Plaintiff-Respondent,

-against-

M-109  
Index No. 380836/11

James L. Parrish, etc., et al.,  
Defendants,

-and-

Jean Cort, etc., et al.,  
Defendants-Appellants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 1, 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 February 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Bindu Manne,

Plaintiff-Appellant,

-against-

M-6000  
Index No. 158800/16

Berkowits School of Electrolysis, Inc.

Defendant-Respondent.  
-----x

Appeals having been taken to this Court by plaintiff-appellant from orders of the Supreme Court New York County, both entered on or about October 27, 2017,

And plaintiff-appellant having moved for consolidation 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 to the extent of permitting plaintiff-appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of plaintiff-appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the June 2018 Term. Plaintiff is directed to perfect the consolidated appeals on a single brief and 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 February 8, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
George Peters,  
Plaintiff-Appellant,

-against-

M-6722  
Index No. 600482/07

Stelios Coutsoodontis,  
Defendant-Respondent,

General Maritime Enterprises  
Corporation, et al.,  
Defendants.

-----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 November 28, 2017 (Appeal No. 5038),

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 February 8, 2018.

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

-----x  
B&M Kingstone, LLC, As Assignee of  
Super Vision International, Inc.,  
A Florida Corporation,  
Petitioner-Appellant-Respondent,

-against-

M-5758  
Index No. 158577/14

Mega International Commercial Bank Ltd.,  
formerly known as International  
Commerce Bank of China,  
Respondent-Respondent-Appellant.  
-----x

Appeals having been taken to this Court by petitioner from orders of the Supreme Court, New York County, entered on or about December 9, 2016, January 17, 2017, August 14, 2017 and August 16, 2017, respectively,

And respondent having taken cross appeals from the orders entered on or about December 9, 2016 and August 16, 2017,

And the parties having jointly moved for consolidation of the aforesaid appeals and cross 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 to the extent of permitting the parties to prosecute the consolidated appeals and cross appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals and cross appeals. The attention of the parties is directed to 22 NYCRR §

600.11. The time to perfect the consolidated appeals and cross appeals is enlarged to the October 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

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

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

Respondent,

-against-

Tyemel S.,

Defendant-Appellant.  
-----X

**SEALED**

M-5626

Ind. Nos. 4918/15

2117/16

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from judgments of the Supreme Court, New York County, rendered on or about October 4, 2016, designating the case as *People v Tyemel S.*, and sealing the record on appeal, including the minutes of the proceedings, the appellate briefs and motions, and the minutes of the proceedings, and other 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 that the record on appeal and briefs, and all future filings and orders herein, are sealed. The Clerk is directed to calendar the appeal under *People v Tyemel S.*

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 February 8, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

Alfred Dimartini,  
Defendant-Appellant.

-----X

**CONFIDENTIAL**

M-6382

Ind. No. 1271/99

The People having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 5, 2017 (M-5513), which denied the People's motion to dismiss the appeal,

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

It is ordered that the motion is denied. Sua sponte, the perfected appeal is adjourned to the May 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 February 8, 2018.

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

-----X  
Flutur Bida,

Plaintiff-Appellant,

-against-

M-6002  
Index No. 111370/10

Port Authority of New York and New Jersey,  
et al.,

Defendants-Respondents.  
-----X

Plaintiff having renewed her motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about June 22, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 February 8, 2018.

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

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

-against-

M-5787  
Ind. No. 3843/14

Kashawn Ruffin,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 19, 2017 (M-5182), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 4, 2015, and assigning counsel therefor,

And an order of this Court having been entered on August 1, 2017 (M-3401), striking the designation of Seymour W. James, Jr., Esq., and substituting the Office of the Appellate Defendant as defendant's assigned counsel,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of resentence of the same Court, rendered on or about June 29, 2015, under the same indictment number,

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

It is ordered that said motion is granted to the extent of amending the aforementioned order of assignment to include the

judgment of resentence rendered on or about June 29, 2015, and the poor person relief previously granted is extended to cover same.

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 February 8, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Tribeca Lending Corporation,  
Plaintiff-Respondent,

-against-

Gregory M. Bartlett, etc.  
Defendant-Appellant,

M-76  
Index No. 105275/07

NYS Department of Taxation,  
et al.,  
Defendants.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5220),

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK



CORRECTED ORDER - February 14, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. Peter Tom, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing, Justices.

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

CONFIDENTIAL

M-6116

Belinda J.,  
Respondent-Respondent,

IDV Case-Family Matter  
Index No. 76468/14

-against-

Tyrone J.,  
Defendant-Respondent.

-----  
Kenneth M. Tuccillo, Esq.  
Attorney for the Children-  
Appellants.

-----x  
Lisa M. Licata, Esq., court attorney for the subject children, having moved on said children's behalf, for leave to respond, as poor persons, to the appeal taken from orders of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about October 11, 2017 and October 13, 2017, same Court and Justice, and for the assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10701, Telephone No. 914-439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Supreme Court, Integrated Domestic Violence Part, to have transcribed within 60 days of service of a copy of this order upon said Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New

CORRECTED ORDER - February 14, 2018

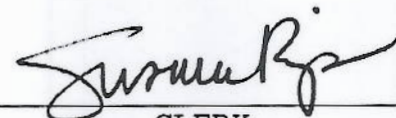
(M-6116)

-2-

February 8, 2018

York from funds available therefor;<sup>1</sup> within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Supreme Court and Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of the receipt of the transcripts. Assigned counsel is directed to immediately subpoena the record from the Supreme Court, Bronx County, Integrated Domestic Violence Court, and serve a copy of this order upon the Clerk of said Supreme Court.

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. Peter Tom, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing, Justices.

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

-against-

Juan Rosario,  
Defendant-Appellant.

M-6136  
Ind. Nos. 2644N/09  
2514/10

-----X

An order of this Court having been entered on November 21, 2017 (M-5276), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 4, 2014, under Indictment No. 2644N/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 2514/10,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 2514/10, and extending the poor person relief and assignment of counsel previously granted to cover same.

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 February 8, 2018.

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

-----x

JPMC Specialty Mortgage LLC,  
Plaintiff-Respondent,

-against-

Howard Brandstein,  
Defendant-Appellant,

M-5788  
Index No. 380356/13

Gary Khan,  
Defendant-Appellant,

-and-

City of New York Department of  
Transportation Parking Violations  
Bureau, et al.,  
Defendants.

-----x

An order of this Court having been entered on October 12, 2017 (M-3548/M-3931), inter alia, dismissing the appeals from orders of the Supreme Court, Bronx County, entered on or about May 21, 2015, October 29, 2015, January 12, 2016, March 28, 2016, May 27, 2016 and December 7, 2016,

And defendant-appellant Howard Brandstein having moved for reargument of the aforesaid motion insofar as it dismissed his appeals from the orders entered on or about May 27, 2016 and December 7, 2016, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

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

-----X

Oliver Douce Al-Dey,

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.  
-----X

M-5598  
Index No. 250956/16

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on October 19, 2017 (M-3690), which denied plaintiff's application 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 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 February 8, 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-6647  
Ind. No. 4917/15

Issa Abdul Karim,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 27, 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, 28<sup>th</sup> 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.", written over 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 February 8, 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-

Taz Lamont, also known as Tavon  
Brown Tazhame Lamont,  
Defendant-Appellant.

M-18  
Ind. Nos. 839/13  
1090/15  
2831/15

-----X

An order of the Supreme Court, Bronx County, having been entered on September 28, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 28, 2017,

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

It is ordered that the motion is granted to the extent of 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 February 8, 2018.

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

-----X  
In the Matter of

S./O. Children,

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

**CONFIDENTIAL**  
**M-6686**  
Docket Nos. NN-2128/17  
NN-19172/17

-----  
New York City Administration for Children's Services,  
Petitioner-Respondent,

Ashleigh S.,  
Respondent,

Jamie S.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant, Jamie S., having moved for leave to prosecute, as a poor person, the appeal taken from an Order of Fact Finding and Disposition of the Family Court, Bronx County, entered on or about January 18, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Karen D. Steinberg, Esq., 31 East 32<sup>nd</sup> Street, Suite 300, New York, NY 10016, Telephone No. (347) 346-4847, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----x  
The People of the State of New York

Respondent,

-against-

M-5801  
Ind. No. 1171/11

Michael Findley,

Defendant-Appellant.  
-----x

An order of this Court having been entered on November 14, 2013 (M-5032), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 1, 2013, and assigning counsel therefor,

And defendant-appellant pro se having moved for an order relieving assigned counsel and substituting other counsel to prosecute the appeal,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Troy K. Webber  
Ellen Gesmer,

Presiding Justice,  
  
Justices.

-----X

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

**CONFIDENTIAL**

**M-6203**

**M-6265**

-----  
David B. and Jennifer B.,  
Petitioners-Respondents,

Docket Nos. O-43873/14

-against-

Nekadam Y.,  
Respondent-Appellant.

-----  
David Bellon, Esq.,  
Non-Party-Appellant,

Anne Reiniger, Esq.,  
Attorney for the Child.

-----X

Petitioners-respondents having moved, by separate motions, for dismissal of the appeals taken by the individual appellants from an order of the Family Court, New York County, entered on or about January 31, 2017, and for the imposition of sanctions, pursuant to 22 NYCRR 130-1.1(c), against both appellants (M-6203/M-6265),

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 granted to the extent of dismissing the aforesaid appeals, 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 February 8, 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-

Joseph Belle,  
Defendant-Appellant.

**M-5880**  
DC# 4  
Ind. No. 642/11

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 30, 2012,

And said appeal not having been brought on for argument pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid 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 February 8, 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-5890**

Ind. No. 2922/11  
DC# 7

George Castro,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 24, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2018 Term and counsel is directed to so perfect.

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 February 8, 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-5929**  
DC# 27  
Ind. No. 4531/12

John Herrera,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2013

And said appeal not having been brought on for argument pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

And an order of this Court having been entered on December 7, 2017, withdrawing the aforesaid appeal (M-5199),

Now, upon the Court's own motion,

It is ordered that the aforesaid appeal is deemed withdrawn.

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 February 8, 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-6061**  
DC# 55  
Ind. No. 1778/13

Jaime Sanchez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2013,

And said appeal not having been brought on for argument pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 26, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid 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 February 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Judith J. Gische  
Peter Tom, Justices.

-----X  
Tishman Construction Corp. of New York,  
Plaintiff-Respondent,

-against-

M-6485  
Index No. 157609/14

Scottsdale Insurance Company,  
Defendant-Appellant,

Ornamental Installation Specialists,  
Inc.,  
Defendant.

-----X

Appeals having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 12, 2016, and from an order of the same Court and Justice, entered on or about October 13, 2017,

And defendant-appellant having moved for an enlargement of time to perfect 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 to the extent of enlarging the time to perfect the appeals to on or before August 6, 2018 for the October 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 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-

M-2958  
Ind. No. 4268C/05

Samuel Encarnacion,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 23, 2011 (Appeal No. 2715), unanimously affirming a judgment of the Supreme Court, Bronx County (Elizabeth Foley, J.), rendered on December 19, 2007,

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 February 8, 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-

Michael McMahon,  
Defendant-Appellant.

**CONFIDENTIAL**

M-5350

Ind. No. 4931/94

-----X

A decision and order of this Court having been entered on September 28, 2000 (Appeal No. 1697), unanimously affirming a judgment of the Supreme Court, Bronx County (Alexander Hunter, J.), rendered on December 23, 1996,

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 February 8, 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-

M-6683  
Ind. No. 5779/95

Bablin You, also known as You Bablin,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 2, 2000 (Appeal Nos. 453-454), unanimously affirming a judgment of the Supreme Court, New York County (Mary McGowan Davis, J.), rendered on February 10, 1997,

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 February 8, 2018.

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

-----x  
The People of the State of New York

Respondent,

-against-

M-5803  
Ind. No. 3893N/15

Jose Rodriguez,

Defendant-Appellant.  
-----x

Defendant-appellant having moved pro se to withdraw the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 19, 2016,

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

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

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 February 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Anil C. Singh, Justices.

-----X  
In the Matter of the Application of  
Roger Forbes,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5797  
Index No. 100160/17

New York City Police Department Police  
Commissioner,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about October 12, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of appellate counsel, and for other relief,

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

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



fee for the subpoena and filing of the record. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
Klay Solis,  
Plaintiff-Respondent,

-against-

M-6103  
Index No. 152908/13

MBI Group, Inc., et al.,  
Defendants,

TDX Construction Corp.,  
Defendant-Appellant.

-----X  
Manhattan Business Interiors, Inc.,  
doing business as MBI Group,  
Third-Party Plaintiff,

Third-Party  
Index No. 590587/13

-against-

Medway Construction Inc.,  
Third-Party Defendants.

-----X  
TDX Construction Corp.,  
Fourth-Party Plaintiff-Appellant,

-against-

Fourth-Party  
Index No. 590804/13

Medway Construction Inc.,  
Fourth-Party Defendant.

-----X

Defendant/fourth party 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 January 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 appeal to the June 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn  
Anil C. Singh, Justices.

-----x

William Grottano,  
Plaintiff-Appellant-Respondent,

-against-

M-5912

Index No. 151431/13

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

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about February 7, 2017 and June 19, 2017; and a cross appeal having been taken by defendants from the order entered on or about June 19, 2017,

And plaintiff-appellant-respondent having moved for an order consolidating the aforesaid appeals, and for an enlargement of time to perfect same,

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 consolidating the aforesaid appeals and cross appeal, and permitting the appeals and cross appeal to be prosecuted upon 9 copies of one record and one set of appellant's points covering the appeals and cross appeal. The time to perfect the consolidated appeals is enlarged to the June 2018 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 February 8, 2018.

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

-----X  
Board of Managers of 141 Fifth  
Avenue Condominium,  
Plaintiff-Respondent-Appellant,

-against-

M-5825  
Index No. 651426/13

141 Acquisition Associates, LLC,  
et al.,  
Defendants,

J. Construction Company, LLC,  
Defendant-Appellant-Respondent.

-----X

Appeals and a cross appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 16, 2015 and August 12, 2015, respectively,

And defendant-appellant-respondent, J. Construction Company, LLC, having moved for an enlargement of time to perfect its appeal from the order entered on or about July 16, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal from the July 16, 2015 order to the June 2018 Term. Sua sponte, the time to perfect the appeal and cross appeal from the August 12, 2015 order, are enlarged to said June 2018 Term.

(M-5825)

-2-

February 8, 2018

The Clerk is directed to calendar both the appeals and cross appeal to be heard on the same day 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 February 8, 2018.

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

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

-against-

M-5802  
Ind. No. 2325/15

Luis Diaz,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about March 7, 2016, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before April 27, 2018 for the June 2018 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 February 8, 2018.

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

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

Respondent,

-against-

Robert L. McCray, also known as  
Larry Evans, also known as Larry  
McCray,  
Defendant-Appellant.

M-5699  
Ind. No. 2901/12  
Case No. 48277C/12

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 6, 2014, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x  
Sotheby's, Inc.,

Plaintiff-Appellant-Respondent,

-against-

M-136  
Index No. 652283/15

Christophe Mao, et al.,

Defendants-Respondents-Appellants.  
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 1, 2017, and said appeals having been perfected,

And defendants-respondents-appellants having moved for leave to file a supplemental record on connection with 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. Sua sponte, the appeals are adjourned to the June 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2018.

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

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

Respondent,

-against-

Anonymous,

Defendant-Appellant.  
-----X

**SEALED**  
M-5502  
Ind. No. 1850/09

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about April 22, 2011, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings, the appellate briefs and motions, and other 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 that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 February 8, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----x

Dina Fouad,  
Plaintiff-Appellant,

-against-

Mohamed Esmat Ezzat Mahmoud Magdy,  
Defendant-Respondent.

-----x

**CONFIDENTIAL**

M-6761

M-255

Index No. 312366/15

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 27, 2017,

And defendant-respondent having moved for a stay of certain pendente lite support pending hearing and determination of the aforesaid appeal (M-6761),

And plaintiff-appellant having cross-moved to deny the motion and for the imposition of attorney's fees (M-255),

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

It is ordered that the motion and cross motion are 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 February 8, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----X  
Resurgence Asset Management, LLC,  
Plaintiff-Respondent,

-against-

Steve Gidumal,  
Defendant-Appellant.  
-----X

M-6713  
M-158  
Index No. 651737/12

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about February 14, 2017, and said appeal having been perfected,

And plaintiff-respondent having moved to supplement the record on appeal with plaintiff's letter submission to the Supreme Court dated November 11, 2016 (Exh. C) and with a letter submission dated November 21, 2016, and attachments to said submission (Exh. D) [M-6713],

And plaintiff-respondent having moved separately to strike certain portions of defendant's reply brief [M-158],

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 to supplement the record on appeal is granted. Plaintiff is directed to file 9 copies of a supplemental record on appeal within one week of this order [M-6713]. The motion to strike certain portions of defendant's reply brief is granted to the extent of deeming the two statements in defendant's reply brief pertaining to the Florida court having "sanctioned" the plaintiff (reply brief at pp. 2 and 5) stricken [M-158].

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 February 8, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X  
Duvar Ayers, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

Avinash Mohan, M.D., et al.,  
Defendants,

M-5785  
Index No. 23311/13E

Raul Ulloa, M.D., et al.,  
Defendants-Appellants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 3, 2017 (Appeal No. 4554),

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 February 8, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
The People of the State of New York  
ex rel. Julio Arce,  
Petitioner-Appellant,

-against-

The State of New York,  
Respondent-Respondent.

**M-5508**

Index No. 100515/17  
Ind. No. 3061/91  
NYSID# 30097/17

-----x

Petitioner-appellant having moved for leave to prosecute, as a poor person, the purported appeal taken from an order of the Supreme Court, New York County, entered on or about June 16, 2017, which denied petitioner's application for a writ of habeas corpus, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for leave to file a late notice of appeal, and for the assignment of counsel,

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

It is ordered that said motion is granted solely to the extent of granting petitioner leave to appeal on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. The motion, to the extent it seeks leave to file a late notice of appeal is granted to the extent of deeming the notice of appeal timely filed. So much of the motion which seeks the assignment of counsel is denied as unnecessary.

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 February 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
Jacqueline Toboroff Gross,  
Plaintiff-Respondent-Appellant,

-against-

**CONFIDENTIAL**

M-5615

Index No. 313132/13

Fred Gross,  
Defendant-Appellant-Respondent/  
Respondent.

-----  
Aronson Mayefsky & Sloan, LLP,  
Non-Party Respondent-Appellant.  
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 15, 2017,

And a separate appeal having been taken by non-party respondent from the aforesaid order,

And non-party respondent-appellant having moved for dismissal of defendant's 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. Sua sponte, defendant's appeal is deemed to be one from the judgment entered on or about April 25, 2017, bringing up for review the order entered March 15, 2017 (CPLR 5520[c]).

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 February 8, 2018.

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

-----x  
In the Matter of the Application of  
Moshe Kelman, as Administrator of  
Bay Park Center for Nursing &  
Rehabilitation,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-5597

M-5762

Index No. 91700/15

Pursuant to Article 81 of the Mental Hygiene Law for the Appointment of a Guardian of the Person and Property of

Marit Ekeland,  
An Incapacitation Person, Now  
Deceased,

Richard Ekeland,  
Respondent-Appellant.  
-----x

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about June 5, 2015, November 10, 2016, January 11, 2017, and two orders entered March 7, 2016, respectively,

And respondent-appellant having moved to vacate any order of this Court that may have dismissed any appeals, and restoring those dismissed appeals to the Court's calendar, for an enlargement of time to perfect the aforesaid appeals, and for other relief (M-5597),

And petitioner-respondent having cross-moved for dismissal of the aforesaid appeals (M-5762),

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 motions are granted to the extent of consolidating the appeals from the June 5, 2015, November 10, 2016, January 11, 2017 orders and the two orders from March 7, 2016, and appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the June 2018 Term, and the motion is otherwise denied. The cross 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 February 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Barbara R. Kapnick  
Peter H. Moulton, Justices.

-----x  
Milo Yiannopoulos,  
Plaintiff-Respondent,

-against-

M-92

Index No. 654668/17

Simon & Schuster, Inc.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 5, 2017, and said appeal having been perfected,

And counsel for plaintiff-respondent, Meister Seelig & Fein LLP (MSF), having moved for leave to withdraw as counsel, and to adjourn 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, to the extent it seeks adjournment of the aforesaid appeal, is denied as unnecessary, the appeal having already been adjourned. The motion, to the extent appellate counsel for plaintiff-respondent seeks leave to withdraw as counsel, is granted.

ENTERED:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

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

M - 6738  
Ind. No. 868/00

-against-

CERTIFICATE  
DENYING LEAVE

Robert Johnson,

Defendant.  
-----X

I, Cynthia S. Kern, 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, section 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 (Jill Konviser, J.), entered on or about September 27, 2017, is hereby denied.

Dated: January 16, 2018  
New York, New York

CSK

Hon. Cynthia S. Kern  
Associate Justice

ENTERED: FEB 08 2018

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

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

M - 6737  
Ind. No. 13034/90

-against-

CERTIFICATE  
DENYING LEAVE

Falon B. Davis,

Defendant.

-----X

I, Cynthia S. Kern, 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, section 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 (Patricia Nunez, J.), entered on or about October 19, 2017, is hereby denied.

Dated: January 16, 2018  
New York, New York

CSK

Hon. Cynthia S. Kern  
Associate Justice

ENTERED: FEB 08 2018

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

BEFORE: Hon. **Hon. Angela M. Mazzarelli**,  
Justice of the Appellate Division

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

M-4954  
Ind. No. 4261/15

-against-

CERTIFICATE  
GRANTING LEAVE

**Mitchel Golden**,  
Defendant-Appellant.

-----X

I, Angela M. Mazzarelli, 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 September 15, 2017.<sup>1</sup>

Dated: 1/19/2018  
New York, New York



Hon. Angela M. Mazzarelli  
Associate Justice

**ENTERED**

FEB 08 2018

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

<sup>1</sup> In 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.

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.