

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 22, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of

Zyaire C.,

A Person Alleged to be a  
Juvenile Delinquent,

**CONFIDENTIAL**

M-6711

Docket No. D-46616/16

Respondent-Appellant.

-----X

Respondent-appellant having moved for a further enlargement of time to perfect the appeal from an order of the Family Court, New York County, entered on or about January 5, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 22, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Angela M. Mazzairelli  
Troy K. Webber  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Rubin Films LLC,  
Petitioner-Respondent,

-against-

M-6749  
Index No. 651878/15

Amitav Kaul and IOM Films, LLC,  
Respondents-Appellants.  
-----X

Respondents-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 6, 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 22, 2018.

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

-----X

In the Matter of the Petition of Nancy Wu Houk to Compel Lucy Yang and Carl Gerdes, as Co-Executors and Linda Yang, as Executor of the Estate of John Yang, deceased Co-Executor of the Estate of

**Surrogate's Court**

M-108

File No. 2005-2685/A

Von Sung Yang,

Deceased,

To Account Pursuant to SCPA § 2205

-----X

Petitioner Nancy Wu Houk having moved for an enlargement of time to perfect the appeal taken from an order of the Surrogate's Court, New York County, entered on or about March 8, 2017,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

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

-----X

Efrain Matos,  
Plaintiff-Respondent,

-against-

M-5867  
Index No. 309441/09

The City of New York,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on October 17, 2017 (Appeal No. 4711-4712N),

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 22, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
26th LS Series Ltd.,  
Plaintiff-Appellant,

-against-

Audrie Brooks, et al., M-77  
Defendants, Index No. 651566/12

Gary C. Sickler, et al.,  
Defendants-Respondents.

- - - - -

[And a Third Party and Other Actions]

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on December 5, 2017 (Appeal No. 5139),

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 22, 2018.

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

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

Respondent,

-against-

M-5998  
Ind. No. 702N/15

Ramon Conce,

Defendant-Appellant.

-----X

Defendant having moved for leave to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 20, 2016, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Guillermo Bautista,  
Plaintiff,

-against-

M-6572  
Index No. 305509/11

J&K Seafood, Inc., Five Star Seafood Inc.,  
Jeffrey Sabbatino, The New Fulton Fish  
Market Cooperative at Hunt's Point Inc.  
and The New Fulton Fish Market, The City  
of New York and The New York City Economic  
Development Corporation,  
Defendants.

-----X  
The New Fulton Fish Market Cooperative at  
Hunt's Point Inc. and The New Fulton Fish  
Market,  
Third-Party Plaintiffs,

-against-

Emerald Seafood, Inc.,  
Third-Party Defendant.

-----X  
J&K Seafood, Inc. and Jeffrey Sabbatino,  
Second-Third-Party Plaintiffs,

-against-

Emerald Seafood, Inc.,  
Second-Third-Party Defendant.

-----X



-----X  
 The New Fulton Fish Market Cooperative at  
 Hunt's Point Inc. and The New Fulton Fish  
 Market,  
     Third-Third-Party Plaintiffs-Respondents,  
  
     -against-  
  
 Five Star Seafood, Inc.,  
     Third-Third-Party Defendant-Appellant.  
 -----X

Third-third-party defendant Five Star Seafood, Inc., having moved for an enlargement of time to perfect an appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 17, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2018 Term, with leave to seek further enlargements if necessary.

ENTERED:

  
 \_\_\_\_\_  
 CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Larry Keene, as Administrator of  
the Estate of Jennifer Baez,  
Plaintiff-Appellant,

-against-

M-6170  
Index No. 105592/11

New York City Housing Authority,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on October 26, 2017 (Appeal No. 4818),

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 22, 2018.

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

-----X  
Justin Donaghy, et al.,  
Plaintiffs-Respondents,

-against-

M-318X  
Index No. 106667/10

AMF Bowling Worldwide, Inc., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 26, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 16, 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 February 22, 2018.

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

-----X  
Thomas Mulligan and Nancy Mulligan,  
Plaintiffs-Respondents,

-against-

M-319X  
Index No. 303066/13

Parkview Apartments LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 4, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 23, 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 February 22, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
John W. Sweeny, Jr.  
Judith J. Gische  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----X  
Magdalena Flores,

Plaintiff-Respondent,

-against-

**M-6013**  
Index No. 307005/12

905 WPR, LLC., 1905 Story Operating Corp., and Jay Syed,

Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 22, 2017,

And defendants-appellants having moved for a stay of the aforesaid order pending determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated December 15, 2017, 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.

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 22, 2018.

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

Presiding Justice,  
Justices.

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

-against-

Jaime Sanchez,  
Defendant-Appellant.  
-----X

**M-6061A**  
DC# 55  
Ind. No. 1778/13

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 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 appellant's time in which to perfect the appeal is enlarged to the June 2018 Term of this Court and counsel is directed to so perfect. (The order of this Court entered on February 8, 2018 [M-6061] is hereby recalled and vacated.)

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 22, 2018.

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

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

Respondent,  
-against-

M-6436  
Ind. No. 1717/15

Nicholas Johnson,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 5, 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:

  
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 22, 2018.

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

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

Respondent,  
-against-

**CONFIDENTIAL**  
M-6282  
Ind. No. 5309/15

Christopher Joseph,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 23, 2017, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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:

  
\_\_\_\_\_  
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 22, 2018.

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

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

Respondent,

-against-

M-6449

Ind. No. 791/16

Demetrius Gonzalez,

Defendant-Appellant.  
-----X

Defendant having moved an extension of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 8, 2016, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

ENTERED:

  
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 22, 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-5348  
Ind. No. 4140N/11

Marco Cuenea,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 2, 2015 (Appeal No. 15622), unanimously affirming a judgment of the Supreme Court, New York County (Ruth Pickholtz, J.), rendered on April 16, 2013, as amended April 25, 2013 and July 12, 2013,

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 22, 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-

Jose Leon,  
Defendant-Appellant.

**CONFIDENTIAL**

M-6742

Ind. No. 979/04

-----X

A decision and order of this Court having been entered on January 25, 2007 (Appeal No. 50), unanimously affirming a judgment of the Supreme Court, New York County (Marcy Kahn, J.), rendered on December 2, 2004,

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 22, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

Respondent,  
-against-

M-5986  
Ind. No. 1203/17

Jose Ponce,

Defendant-Appellant.

-----X

Defendant having moved for leave to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 14, 2017, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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:

  
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 22, 2018.

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

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

-against-

M-6642  
Ind. No. 2634/01

Luis Nunez,  
Defendant-Appellant.

-----x

Respondent having moved for an order dismissing defendant-appellant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 23, 2002,

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

It is ordered that the motion to dismiss is denied, with leave to renew, and

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall

furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which defendant 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 22, 2018.

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

-----x  
The People of the State of New York  
ex rel. Anthony Farley, Esq., on behalf  
of Tracie Martin,  
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New York  
City Department of Corrections, or  
Anyone Having Custody of Petitioner,  
Respondents-Respondents.

M-6641  
Index No. 453091/17  
Ind. No. 3581/17

-----x

Petitioner-appellant having moved for bail reduction pending appeal, and for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about November 27, 2017, which partially granted petitioner's writ of habeas corpus, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, 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 to the extent of continuing the relief granted by a single Justice of this Court (i.e., reduced bail pending appeal of \$4,500, partially secured bond, or \$2,000 cash) and it is directed that the appeal 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 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.

Pursuant to Section 35 of the Judiciary Law, 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 appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court, and it is further,

Ordered that the aforesaid interim relief is also conditioned upon the appeal being perfected on or before March 19, 2018 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 22, 2018.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Judith J. Gische  
Angela M. Mazzarelli, Justices.

-----X

In the Matter of the Application of  
Steven Banks, as Commissioner of  
Social Services of the City of  
New York,  
Petitioner-Respondent,

**CONFIDENTIAL**  
**M-6623**

Index No. 500365/15

For the Appointment of a Guardian  
of the Personal Needs and Property  
Management of Ottia W.,

A Person Alleged to be Incapacitated,

Respondent-Appellant.

-----X

Respondent-appellant having renewed her motion for leave to prosecute, as a poor person, the appeals taken from orders of the Supreme Court, New York County, entered on or about March 16, 2016 and on or about June 14, 2016, and for leave to have the appeals heard on the original record(s) 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 the motion is denied, without prejudice to a timely appeal taken from the final order and judgment of Supreme Court, New York County, entered on or about July 6, 2016, and it is

Directed that, henceforth, all motion papers filed by respondent-appellant with this Court shall include proof of service of all such papers, including exhibits, on respondent-appellant's guardian and on the attorney assigned to represent said appellant in Supreme Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

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

-----X  
Anonymous,

Plaintiff-Appellant,  
  
-against-

**CONFIDENTIAL**  
**M-6597**  
**M-6599**  
**M-6601**

Anonymous,

Index No. 350090/13

Defendant-Respondent.  
-----X

Appeals having been taken from three orders of the Supreme Court, New York County, all of which were entered on or about February 9, 2017,

And plaintiff-appellant having moved by separate motions for an enlargement of time to perfect each of the aforesaid appeals (M-6597, M-6599 and M-6601),

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 all granted to the extent of enlarging the time to perfect each appeal to the June 2018 Term, with no further enlargements to be granted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

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

-----X  
Randy Cohen,  
Plaintiff-Respondent,

-against-

**M-5883**

Index No. 155458/16

Broad Green Pictures LLC and  
Learning To Drive Movie LLC,  
Defendants-Appellants.

-----X

Defendants-appellants having moved to stay all proceedings pending determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 23, 2017,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated November 1, 2017, is hereby vacated.

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 22, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Peter Tom  
Richard T. Andrias  
Ellen Gesmer, Justices.

-----X  
In re John Cooper,  
Petitioner-Respondent,

-against-

City of New York,  
Respondent,

M-160  
Index No. 101348/14

New York City Department of  
Education, et al.,  
Respondents-Appellants.

-----X

Petitioner-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 28, 2017 (Appeal No. 5072),

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 reargument, is granted and, upon reargument, the decision and order of this Court entered on November 28, 2017 (Appeal No. 5072) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5072, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 22, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X

Luis Jose Martinez,  
Plaintiff-Appellant,

-against-

M-6715  
Index No. 157941/12

3801 Equity Company, LLC,  
Defendant-Respondent,

BCS Construction Services Corp.,  
et al.,  
Defendants.

- - - - -

[And a Third-Party Action]

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 14, 2017 (Appeal No. 4915),

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 22, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Troy K. Webber  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Aileen Burger and Donald Burger, as  
parents and natural guardians of E.B.,  
an infant and Aileen Burger and  
Donald Burger, individually,  
Plaintiffs-Respondents,

-against-

Saadi Ghatan, M.D. and Beth Israel  
Medical Center,  
Defendants-Appellants.

M-6707  
M-52  
Index No. 805441/13

-----X

Defendants-appellants having separately moved for an enlargement of time to perfect their appeals taken from an order of the Supreme Court, New York County, entered on or about February 21, 2017, and 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 motions are granted to the extent of enlarging the time to perfect the appeals to the June 2018 Term and, sua sponte, the appellants are granted leave to proceed upon a joint record on appeal and separate briefs, and

Sua sponte, the case caption in defendant-appellant Ghatan's notice of appeal and related papers is corrected to replace the name "Eileen Burger" with "Aileen Burger".

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 22, 2018.

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

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

Belinda J.,  
Plaintiff-Respondent,

**CONFIDENTIAL**  
**M-6400**

IDV Docket No. 76468/14

-against-

Tyrone J.,  
Defendant-Respondent.

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

-----X  
Plaintiff-respondent having moved for leave to respond, as a poor person, 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, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007,

Telephone No. (212) 233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for children-appellants and 8 copies thereof are filed with this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Marcy L. Kahn  
Anil C. Singh, Justices.

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

Respondent,  
-against-

**CONFIDENTIAL**  
M-6079  
Ind. No. 5032/15

Miguel Vitinio-Tapia,  
Defendant-Appellant.

-----X

Defendant having moved for leave to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 10, 2017, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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:

  
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 22, 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  
ex rel. Ronald P. Fischetti, Esq.,  
on behalf of Pamela Buchbinder,  
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner,  
New York City Department of Corrections,  
or Anyone Having Custody of Petitioner,  
Respondents-Respondents.

M-6679  
Ind. Nos. 30207/17  
30222/17

-----X

An appeal having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about November 3, 2017 and November 27, 2017, which denied petitioner's two writs of habeas corpus and petitioner's applications for bail; petitioner now moves for an order granting bail with electronic monitoring at petitioner's expense, consolidation of the aforesaid appeals and an expedited hearing,

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 solely to the extent of consolidating the appeals, and permitting petitioner-appellant to prosecute the 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(d) with respect to a joint record and costs thereof, and the motion is otherwise denied.

ENTERED:

  
CLERK



CORRECTED ORDER - MARCH 2, 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 22, 2018.

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

-----x  
John McCabe,  
Plaintiff-Appellant-Respondent,

-against-

M-6534  
Index No. 101565/15

Consulate General of Canada,  
Defendant-Respondent-Appellant.  
-----x

Appeals having been taken to this Court by plaintiff-appellant-respondent from orders of the Supreme Court, New York County, entered on or about January 23, 2017 and October 10, 2017, and a cross appeal having been taken from the October 10, 2017 order by defendant-respondent-appellant,

And defendant-respondent-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 granting consolidation of said appeals, permitting **defendant-respondent to file a supplemental appendix**. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the **cross appeal** is enlarged to the November 2018 Term and the consolidated appeals are adjourned to said 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 22, 2018.

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

-----X  
Pilar Ramirez, Yedmy Batista Peralta, M-6504  
and Delio Polanco, as Administrator of M-6364  
the Estate of Paulina Cortorreal Hiciano Action No. 1  
and Jose A. Corchado, Index No. 300174/12  
Plaintiffs-Appellants,

-against-

Jose Elias-Tejada, Michael P. Thomas  
and Paul Charles Yovino,  
Defendants-Respondents.

-----X  
Jose A. Corchado,  
Plaintiff-Respondent-Appellant, Action No. 2  
Index No. 300885/13

-against-

Michael P. Thomas and Paul Charles Yovino,  
Defendants-Appellants-Respondents.

-----X  
Paul Charles Yovino,  
Third-Party Plaintiff,

-against-

Jose Elias-Tejada,  
Third-Party Defendant.

-----X  
Jose M. Elias-Tejada,  
Plaintiff-Respondent-Appellant, Action No. 3  
Index No. 21702/13E

-against-

Michael P. Thomas, Paul Charles Yovino,  
Defendants-Appellants-Respondents.

-----X

Appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court, Bronx County, both entered on or about May 4, 2017,

And plaintiffs-appellants having moved and cross-moved for consolidation of the aforesaid appeals in this action with appeals consolidated by this Court in an order entered November 14, 2017 (M-4380),

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

It is ordered that the appeals and cross appeals are consolidated and the time to perfect the consolidated appeals is enlarged to the September 2018 Term. Further, the Estate of Hiciano is granted leave to file a brief not to exceed 80 pages.

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 22, 2018.

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

-----x  
RKA Film Financing, LLC,

Plaintiff-Appellant,

-against-

M-6550  
Index No. 652592/15

Steven Mnuchin,

Defendant-Respondent.  
-----x

Defendant-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 28, 2017, 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 to the extent of dismissing the appeal unless it is perfected on or before March 19, 2018 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 22, 2018.

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

-----X  
Eagle Energy Brokers, LLC,  
Plaintiff-Respondent,

-against-

M-386  
Index No. 652201/13

GA Global Markets, LLC and  
John J. Stanton,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about April 24, 2017, the separate appeals challenging different aspects of the relief granted,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the September 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2018.

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

-----X  
John Hon, Julie Hon, and John Hon D.O.,  
P.C., doing business as Elmhurst Avenue  
Medical Associates and doing business as  
Flushing Medical Associates,  
Plaintiffs-Respondents,

-against-

M-6512  
Index No. 602236/04

Prince Development Company LLC, et al.,  
Defendants,

-and-

Roug Kang Wang, Stella Wang, Wang Real  
Property LLC,  
Non-Party Appellants.

-----X

Non-party appellants having moved for leave to appeal to the Court of Appeals from an order of this Court, entered on November 28, 2017 (M-5406), which denied their motion for a stay of the sale of certain real property,

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 22, 2018.

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

-----X

ULM I Holding Corp.,  
Plaintiff-Respondent,

-against-

M-153  
Index No. 653650/13

Craig Antell,  
Defendant-Appellant,

-and-

CAAM, LLC, et al.,  
Defendants.

-----X

Defendant-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 30, 2017 (Appeal Nos. 5091-92),

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 22, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Benjamin Concepcion,  
Plaintiff-Respondent,

-against-

333 Seventh LLC,  
Defendant-Appellant.

M-6613  
Index No. 156922/15

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 24, 2017,

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

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

ENTERED:

  
\_\_\_\_\_  
CLERK