

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 January 18, 2018.

PRESENT: Hon. Dianne T. Renwick,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber,

Justice Presiding,  
Justices.

-----X  
In re Nonhuman Rights Project, Inc.,  
on behalf of Tommy,  
Petitioner-Appellant,

-against-

Patrick C. Lavery, etc., et al.,  
Respondents-Respondents.  
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Justin Marceau, Samuel R. Wiseman,  
Lawrence H. Tribe and Richard L. Cupp, Jr.,  
Amici Curiae.  
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In re Nonhuman Rights Project, Inc.,  
on behalf of Kiko,  
Petitioner-Appellant,

-against-

Carmen Presti, etc., et al.,  
Respondents.  
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Justin Marceau, Samuel R. Wiseman  
and Laurence H. Tribe,  
Amici Curiae.  
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 8, 2017 (Appeal Nos. 3648-3649),

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

M-6068  
Index Nos. 162358/15  
150149/16

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 January 18, 2018.

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

-----X  
Samantha Irizarry,  
Plaintiff-Appellant,

-against-

M-5996  
Index No. 23685/14E

Mariscal Gerald,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 16, 2016, for failure to timely prosecute,

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 January 18, 2018.

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

-----x

Ambase Corporation, et al.,  
Plaintiffs-Appellants,

-against-

M-4658

Index No. 655031/17

Spruce Capital Partners LLC, et al.,  
Defendants-Respondents,

111 West 57<sup>th</sup> Partners LLC, et al.,  
Nominal Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 29, 2017,

And plaintiffs-appellants having moved for a stay of enforcement of the aforesaid order to the extent that it dissolved a temporary restraining order issued by Supreme Court on July 26, 2017, pending hearing and determination of the aforesaid appeal, or for alternative 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 January 18, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X

XL Insurance America, Inc.,  
Plaintiff-Respondent,

-against-

M-5822  
Index No. 155680/14

The Howard Hughes Corporation,  
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 October 12, 2017 (Appeal No. 4668),

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 January 18, 2018.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Maria Angeles Liberatore,  
Plaintiff-Respondent,

-against-

M-5641  
Index No. 162511/15

David Greuner, M.D.,  
Defendant-Appellant.

-----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 September 28, 2017 (Appeal No. 4530),

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 January 18, 2018.

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

-----X  
Braulio Ocasio,  
Plaintiff-Appellant,

-against-

M-5435  
Index No. 116602/08

Queens Fresh Meadows LLC, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about March 28, 2016, for failure to timely prosecute,

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 January 18, 2018.

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

-----X

In the Matter of the Application of  
Dennis Emanuel,  
Plaintiff-Appellant,

-against-

M-6182

Index No. 153994/15

The City of New York, et al.,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about February 21, 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 and, sua sponte, the appeal is dismissed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2018.

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

-----X  
Keith Williams,  
Plaintiff-Respondent,

-against-

M-6361X  
Index No. 302909/13

Janie L. Sinclair, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 14, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 11, 2017, 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 January 18, 2018.

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

-----X  
Tribeca Space Managers, Inc.,  
Plaintiff-Appellant,

-against-

M-6509X  
Index No. 653292/13

Tribeca Mews Ltd., et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 29, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2017, 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 January 18, 2018.

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

-----X  
Icon MW, LLC,  
Plaintiff-Respondent,

-against-

M-6521  
Index No. 650459/13

George Hofmeister,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 14, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 12, 2017, 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 January 18, 2018.

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

-----X  
ICP Asset Management, LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-6522X  
Index No. 653202/14

Triaxx Prime CDO 2006-1 Ltd., et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 21, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 6, 2017, 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 January 18, 2018.

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

-----X  
ASRR Suzer 218, LLC,  
Plaintiff-Respondent-Appellant,

-against-

M-6523X  
Index No. 650154/17

Barbes Restaurant, Inc.,  
Defendant-Appellant-Respondent.  
-----X

A cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 12, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 27, 2017, and due deliberation having been had thereon,

It is ordered that the cross 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 January 18, 2018.

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

-----X  
Fusion Telecommunications  
International, Inc.  
Plaintiff-Appellant-Respondent,

-against-

Headwaters MB, LLC,  
Defendant-Respondent-Appellant.  
-----X

M-6525X  
Index No. 652693/16

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2018.

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

-----X  
Kyle Brown and Katherine Sheridan  
Brown,  
Plaintiffs-Respondents,

-against-

M-6526X  
Index No. 162601/15

Windemere Owners LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 11, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 28, 2017, 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 January 18, 2018.

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

-----X  
Onekey, LLC,  
Plaintiff-Appellant,

-against-

M-6538X  
Index No. 653270/16

Donato Inc.,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 13, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 13, 2017, 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 January 18, 2018.

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

-----X  
Rassas Al Ghaithi, et al.,  
Plaintiffs-Appellants,

-against-

M-6546X  
Index No. 114462/07

Nep West 119<sup>th</sup> Street, L.P., et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 10, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 18, 2017, 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 January 18, 2018.

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

-----X

Yessenia Nicole,  
Plaintiff-Respondent,

-against-

M-6756X  
Index No. 306743/13

RJ Lease Management Corp.,  
Defendant-Appellant,

-and-

"John Doe", Ramon Diazbonsenor and  
"John Doe",  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 27, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 2017, 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 January 18, 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

Nyiesha F., Adrianna F.,  
and Brianna F.,

Children Under 18 Years of Age  
Alleged to be Neglected and/or Abused M-6565  
Under Article 10 of the Family Court Act Docket Nos. NN-32540/15  
- - - - - NN-32541/15  
Administration for Children's Services, NN-32542/15  
Petitioner-Appellant,

Shaniqua F.,  
Respondent-Respondent.

Legal Aid Society  
Juvenile Rights Division  
Attorney for The Children.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about December 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated December 14, 2017, 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 January 18, 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-14  
Ind. No. 2178/13

Michael Boone,  
Defendant-Appellant.


-----X

An order of this Court having been entered on March 16, 2017 (M-621) 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 November 10, 2016, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal,

Now, upon the Court's own motion,

It is ordered that the designation of Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute defendant's appeal is stricken, and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, New York 10003, Telephone No. (212)-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 January 18, 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-6473  
Ind. No. 4932/15

Jorge Vasquez,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated December 18, 2017, 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 January 18, 2018.

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

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

-against-

M-6472  
Ind. No. 2672/14

Julian Snipe,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated December 7, 2017, 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 January 18, 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-6474  
Ind. No. 3894/15

Justin D. Dunlop,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 4, 2017, 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 January 18, 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-6477  
Ind. No. 3235/16

Derrick Lynn,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 30, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated December 8, 2017, 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 January 18, 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-6540  
Ind. No. 385N/16

Benjamin Ledezma,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 8, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 16, 2017, 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 January 18, 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-6541  
Ind. No. 4636/15

Todd Medina,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 20, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 23, 2017, 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 January 18, 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-6476  
Ind. No. 5689/14

Amirou Sow,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated November 23, 2017, 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 January 18, 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-

Jonathan P.,  
Defendant-Appellant.

-----X

**SEALED**

M-6348

Ind. No. 707/15

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 2, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated November 11, 2017, 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 January 18, 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-

Kirk L.,  
Defendant-Appellant.

M-6539  
Ind. Nos. 1848/10  
3108/11

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 26, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated November 30, 2017, 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 January 18, 2018.

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

-----x  
Thomas E. Lanctot,

Plaintiff-Respondent,

-against-

M-6132  
Index No. 159155/16

Maura Shaykin, et al.,

Defendants-Appellants.  
-----x

An appeal having been taken to this Court from the order and ensuing judgment of the Supreme Court, New York County, entered on or about November 3, 2017,

And defendant-appellant Maura Shaykin having moved for a stay of all proceedings to enforce the aforesaid judgment entered November 3, 2017, pending hearing and determination of 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, without prejudice to the defendant seeking an automatic stay by posting a bond.

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 January 18, 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-6372  
Ind. No. 1972/15

Harco Construction LLC, also known as  
H&H Builders, Inc.,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2016,

And the Associated General Contractors of New York State, LLC having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movant is directed to file 9 copies of said brief amicus curiae with the Clerk of this Court within 7 days of the date of entry hereof. 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 January 18, 2018.

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

-----X  
A.L., an Infant, by his Mother and  
Natural Guardian, Helena Charles,

Plaintiffs-Appellants,

-against-

M-6422  
Index No. 305654/11

New York City Housing Authority,

Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about 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 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 January 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Ellen Gesmer, Justices.

-----X

In re TCR Sports Broadcasting  
Holding, LLP,  
Petitioner-Appellant-Respondent,

-against-

WN Partner, LLC, et al.,  
Respondents,

Washington Nationals Baseball Club,  
LLC, et al.,  
Respondents-Respondents-Appellants,

The Baltimore Orioles Baseball Club,  
et al.,  
Nominal Respondents-Appellants-Respondents.

M-6033  
Index No. 652044/14

- - - - -

In re TCR Sports Broadcasting Holding,  
LLP,  
Petitioner-Respondent,

-against-

WN Partner, LLC, et al.,  
Respondents,

Washington Nationals Baseball Club,  
LLC,  
Respondent-Appellant,

The Baltimore Orioles Baseball Club,  
et al.,  
Nominal Respondents-Respondents.

- - - - -

E. Leo Milonas, Diamond Dealers Club, Inc.,  
Kenneth R. Feinberg and Robert S. Smith,  
Amici Curiae.

-----X



Appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 13, 2017 (Appeal Nos. 3595-96),

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:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written in a cursive style.

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick,  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

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

-against-

Lahmau Mitchell,  
Defendant-Appellant.

M-6578  
Ind. Nos. 3333/09  
3440/11

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 12, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

A handwritten signature in black ink, appearing to read "Christina Swarns", written in a cursive style.

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Juan Reynoso,  
Plaintiff,

-against-

Global Management Enterprises, LLC,  
Defendant-Respondent.

-----X  
Global Management Enterprises, LLC,  
Third-Party Plaintiff-Respondent,

M-5614  
Index Nos. 302133/14  
83997/14

-against-

Rent-A-Center, Inc.,  
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for reargument of the decision and order of this Court, entered on October 5, 2017 (Appeal No. 4607),

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 January 18, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Judith J. Gische  
Richard T. Andrias  
Peter H. Moulton, Justices.

-----X  
Robert Moskowitz, etc.,  
Plaintiff-Respondent,

-against-

M-6093  
Index No. 155593/14

Eileen Hickey,  
Defendant-Appellant,

Jane Doe, et al.,  
Defendants.

-----X

Defendant-appellant, pro se, 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 24, 2017 (Appeal No. 4783N), 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 January 18, 2018.

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

-----X

John Evatz,  
Plaintiff-Appellant,

-against-

Chanel, Inc.,  
Defendant-Respondent.

-----X

**SEALED**

M-5746

Index No. 101284/11

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 No. 4582),

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 January 18, 2018.

PRESENT: Hon. David Friedman,  
Judith J. Gische  
Richard T. Andrias  
Troy K. Webber,

Justice Presiding,

Justices.

-----X  
National Union Fire Insurance Company  
of Pittsburgh, Pennsylvania,  
Plaintiff,

ACE INA Insurance, et al.,  
Plaintiffs-Appellants,

-against-

TransCanada Energy USA, Inc., et al.,  
Defendants-Respondents.

- - - - -  
TC Ravenswood, LLC,  
Plaintiff-Respondent,

-against-

National Union Fire Insurance Company  
of Pittsburgh, Pennsylvania, also know  
as AIG, etc., et al.,  
Defendants,

ACE INA Insurance, et al.,  
Defendants-Appellants.

-----X

Plaintiffs-appellants and defendants-appellants,  
collectively, having moved for reargument of, or in the  
alternative, for leave to appeal to the Court of Appeals, from  
the decision and order of this Court, entered on September 19,  
2017 (Appeal Nos. 3385-3386),

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

M-5455  
Index Nos. 650515/10  
400759/11

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 January 18, 2018.

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

-----X  
Carlos Cruz,  
Petitioner-Respondent,

-against-

M-5757  
Index No. 152302/16

New York City Housing Authority,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 8, 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 denied and the appeal is dismissed.

ENTERED:



CLERK



CORRECTED ORDER - February 7, 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 January 18, 2018.

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

-----X  
Clean Act Inc.,  
Plaintiff-Respondent,

-against-

4126 Realty Corp.,  
Defendant-Appellant.  
-----X

M-6428  
M-6514  
Index No. 113457/11

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 9, 2016,

And plaintiff-respondent having moved for leave to strike the record on appeal filed by defendant-appellant, to dismiss the appeal as untimely taken, and for other relief (M-6428),

And defendant-appellant having cross-moved for leave to file a supplemental record on appeal to include all trial exhibits, to amend the Table of Contents to comport with CPLR 5526 and Rule 600.10, and for adjournment of the aforesaid appeal (M-6514),

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,

Plaintiff's motion is granted to the extent of striking the record on appeal, and otherwise denied. Defendant's cross motion is granted to the extent of granting **defendant-appellant** leave to file an amended record on appeal to include all trial exhibits, to amend the Table of Contents to comport with CPLR 5526 and Rule 600.10, and otherwise denied.

CORRECTED ORDER - February 7, 2018

(M-6428/M-6514)

-2-

January 18, 2018

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 January 18, 2018.

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

-----X  
William E. Mack, Jr.,  
Plaintiff-Appellant,

-against-

M-6561  
Index No. 309347/10

Ronald Seabrook,  
Defendant-Respondent.

-----X  
Ronald Seabrook,  
Third-Party Plaintiff-Respondent,

-against-

Third Party Index No.  
83768/12

New York City Transit Authority and  
Raul Andrade,  
Third-Party Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 18, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 18, 2018.

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

-----X  
William E. Mack, Jr.,  
Plaintiff-Appellant,

-against-

M-6561  
Index No. 309347/10

Ronald Seabrook,  
Defendant-Respondent.

-----X  
Ronald Seabrook,  
Third-Party Plaintiff-Respondent,

-against-

Third Party Index No.  
83768/12

New York City Transit Authority and  
Raul Andrade,  
Third-Party Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 18, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
270 West End Tenants Corp.,

Plaintiff-Respondent,

-against-

266 Weave, LLC and Todd Wider,

Defendants-Appellants.  
-----X

M-5944  
Index No. 150228/17

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about January 26, 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 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 January 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
CitiMortgage, Inc.,  
Plaintiff-Appellant,

-against-

M-6201  
Index No. 35044/14E

Robert J. Hibbert, Barbara R. Shirley,  
and Shayla Hibbert,  
Defendants-Respondents,

-and-

Robert Doar, as Commissioner of Social  
Services of the City of New York Social  
Services District, et al.  
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 21, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 January 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x

Tatiana Brunetti, etc., et al.,  
Plaintiffs-Respondents,

-against-

Dmitry Sergeev, also known as Dzhemali  
Kvaratskheliya, et al.,  
Defendants-Appellants,

M-6206  
Index No. 653855/15

-and-

Ginza Holding LLC, et al.,  
Defendants.

- - - - -

Ginza 2 LLC, et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Ginza Project LLC,  
Third-Party Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 28, 2017

And defendants-appellants having moved, pursuant to CPLR 5519(c), staying the accountings of Ginza 1 LLC, Ginza 2 LLC, Ginza 3 LLC and Ginza Holding LLC, which Supreme Court ordered to be completed by December 4, 2017, pending hearing and determination of the aforesaid appeal,

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

(M-6206)

-2-

January 18, 2018

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated November 15, 2017, is 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 January 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
Jubae Mujahid,  
Plaintiff-Appellant,

-against-

M-6225  
Index No. 101485/15

HSBC Bank USA, et al.,  
Defendants-Respondents,

-and-

Sanyaku Amare, et al.,  
Defendants

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 25, 2016 and April 14, 2017, and said appeals having been consolidated by an order of this Court entered on September 5, 2017 (M-4005),

And plaintiff-appellant having moved for an enlargement of time to perfect the consolidated 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 consolidated appeals to the May 2018 Term.

ENTERED:



CLERK

V

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

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

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

M-6351  
Ind. No. 6159/91

-against-

CERTIFICATE  
DENYING LEAVE

Herman Myers

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about September 12, 2017 (Arlene D. Goldberg, J.) is hereby denied.

Dated: January 2, 2018  
New York, New York

  
Associate Justice

ENTERED: **JAN 18 2018**

✓

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

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

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

M-5875  
Ind. No. 498/2014

-against-

CERTIFICATE  
DENYING LEAVE

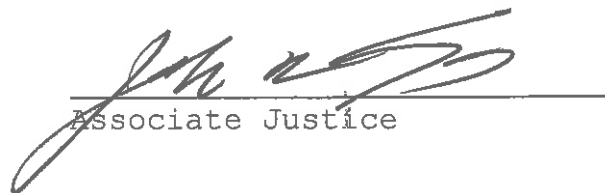
Jason Wine,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated on or about October 2, 2017 (Michael J. Obus, J.) is hereby denied.

Dated: January 2, 2018  
New York, New York

  
Associate Justice

ENTERED: **JAN 18 2018**

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

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

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

M-6441  
Ind. Nos. 6066/08,  
6172/08

-against-

CERTIFICATE  
DENYING LEAVE

Kerwin Johnson,

Defendant.

-----X  
I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 1, 2017, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: January 3, 2018  
New York, New York

ENTERED: **JAN 18 2018**