

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 March 15, 2018.

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

-----X
Wade Johnson and Vanessa Johnson,

Plaintiffs-Appellants,

-against-

1150 Fifth Avenue Owners Corp.,

Defendant-Respondent.

- - - - -

Joel Levin and Alan S. Pearce,
as co-trustees of the Trust FBO
Shari Lynn Goldstein, and
John Does 1-10 being individuals
or entities whose identity is
presently unknown,

Defendants-Appellants.

-----X

Joel Levin and Alan S. Pearce,
as co-trustees of the Trust FBO
Shari Lynn Goldstein,
Third-Party Plaintiffs-
Appellants,

-against-

Optimum Construction, Inc.,
ABR Plumbing & Heating Contractors,
Inc., and Vlashava Electrical
Contracting Corp.,

Third-Party Defendants.

-----X

M-6190
M-91
Index No. 157660/15

Third-Party
Index No. 595766/15

Plaintiffs-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 16, 2017,

And defendants/third-party plaintiffs having moved for an enlargement of time to perfect an appeal taken from an order, same Court and Justice, entered on or about March 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 motions are granted to the extent of enlarging the time to perfect the appeals to the September 2018 Term, and

It is further ordered that the Clerk is directed to calendar the appeals from the orders entered March 16, 2017 and March 17, 2017, for hearing together on the same date for the September 2018 Term, if both appeals are perfected for that 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 March 15, 2018.

Present: Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-128

Ind. No. 55764C/05

Daniel Torres,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 28, 2015,

And assigned counsel, Christina A. Swarns, Esq., Office of the Appellate Defender, having moved for an order relieving said assigned counsel or, in the alternative, dismissing the aforesaid appeal, without prejudice to reinstatement,

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

It is ordered that the motion is granted to the extent that the appeal is deemed withdrawn, and is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

Present - Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-140
Ind. No. 2637/16

Desmond Daley,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 13, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

Present - Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-142
Ind. No. 405/16

Aldean Richardson,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 12, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

Present - Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-143
Ind. No. 649/15

Sparkle Singleton,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 28, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

Present: Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-230

-against-

Ind. No. 882/16

Roberto Vasquez,
Defendant-Appellant.

-----X

A purported appeal having been taken from the SORA order of the Supreme Court, Bronx County (Fabrizio, J.), entered on or about June 20, 2017,

And defendant having moved for an order of this Court deeming the moving papers herein as a timely filed notice of appeal or, in the alternative, for permission to file an untimely notice of appeal, pursuant to CPL 460.30, and for assignment of counsel on the appeal from the aforesaid June 20, 2017 SORA order,

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

Ordered that the motion is granted to the extent of directing defendant to file a notice of appeal from the SORA order entered on or about June 20, 2017 forthwith, and granting leave to renew the present motion upon so filing the notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 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-139
Ind. No. 3791/12

Keith McKinnon,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 27, 2013,

And assigned counsel, Seymour W. James, Jr., Esq., The Legal Aid Society, having moved for an order dismissing the appeal as moot,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
106 Spring Street Owners LLC,
Plaintiff-Appellant,

-against-

M-200
Index No. 657050/17

Workspace, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings and certain injunctive relief pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 20, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Arianna Christopher Frankl, Esq., counsel for plaintiff-appellant dated January 19, 2018, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

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

-----X
Unpakt, LLC,

Plaintiff-Respondent,

SEALED

-against-

M-408

Index No. 652737/15

99 University Corp., and Bijan Nassi,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated January 18, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 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-Respondent,

-against-

Headwaters MB, LLC,

Defendant-Appellant,

William W. Sprauge, et al.,

Defendants-Appellants.
-----X

M-644X
Index No. 652693/16

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 7, 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 March 15, 2018.

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

-----X
Stanely Ostarch,

Plaintiff-Respondent,

-against-

M-392
Index No. 108643/09

MTA, New York City Transit
Authority and Bernard A. Brathwaite,

Defendants-Appellants.
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 17, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

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

-----X
Hunter Roberts Construction Group,
LLC,
Plaintiff-Appellant,

-against-

Coastal Electric Construction Corp.,
Defendant-Respondent.

M-613X
Index No. 101422/16

-----X

An 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" February 1, 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 March 15, 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-59

Ind. No. 633/17

George Brown,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 1, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 March 15, 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,

CONFIDENTIAL

M-149

-against-

Ind. No. 2809/14

Eduardo Silva,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Clancy, J.), entered on or about February 3, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Clancy as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 March 15, 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-211
Ind. Nos. 3229/16
24/17

Timothy Buchanan,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on September 19, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, New York County, rendered on or about September 19, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 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-213
Ind. No. 3662/16

Tyquan Hasquins,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on September 14, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, New York County, rendered on or about September 14, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 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-

Jose G.,
Defendant-Appellant.

-----X

SEALED

M-295

Ind. Nos. 583/17

2074/16

3801/16

2016BX044827

2016BX053007

An order of the Supreme Court, Bronx County, having been entered on July 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 18, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-296
Ind. No. 1089/17

Brandon Limardo,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 20, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-298
Ind. No. 1810/15

Jose Lopez, also known as Jose Lopez
Carmona,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 11, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 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-299
Ind. No. 1235/17

Jason Gadsden,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 17, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 17, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

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

-against-

M-302
Ind. No. 1577/14

Cody Joseph,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 13, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 13, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-303
Ind. No. 555/14

James Lucas,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 14, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 14, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-304
Ind. No. 3690/15

Maurice Perry,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 11, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment, of the Supreme Court, Bronx County, rendered on or about July 11, 2017,

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

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 15, 2018.

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

-----X
NRP LLC I,

Petitioner-Landlord-Appellant-
Respondent,

-against-

Elo Management LLC,
Respondent-Tenant,

-and-

M-6107

M-6111

Index No. 570879/16

Ideal Entertainment, Inc., doing business
as Ideal Entertainment Group, et al.,
Respondents-Undertenants-Respondents,

-and-

Duke's Place, LLC, doing business as
Duke's Place, et al.,
Respondents-Undertenants,

-and-

Jay Jay Cabaret, Inc., doing business as
Jay Jay Cabaret, etc.,
Respondent-Undertenant-Respondent-
Appellant.

-----X

Respondent-undertenant Jay Jay Cabaret, Inc., doing business as Jay Jay Cabaret, etc. (M-6107) and respondent-undertenant Jason and John Food Corporation (M-611) having separately moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about July 6, 2017,

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

It is ordered that the motions are denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Marcy L. Kahn
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Maurice Butler,
Plaintiff-Respondent,

-against-

M-259
Index No. 22930/12E

DTS, Inc., et al.,
Defendants-Appellants.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 23, 2015,

And defendants-appellants having moved for an enlargement of time to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Salvatore J. DeSantis, Esq., of counsel to defendants-appellants, dated February 13, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
Yocelyn Reyes,

Plaintiff-Appellant,

-against-

83 Post Avenue Associates, L.L.C.,

Defendant-Respondent.
-----X

M-188
Index No. 22827/14

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 October 19, 2016,

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

It is ordered that the motion is granted to the extent of 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 March 15, 2018.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzairelli
Anil C. Singh, Justices.

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

Respondent,

-against-

M-104
Ind. No. 4230/15

Jonathan Wells,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 17, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-64
Ind. No. 5117/14

Jose Remigio,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal and to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 12, 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 deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

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

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

-against-

M-60
Ind. No. 1821/16

Naba Lavan,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 21, 2017,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

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

-----X
In the Matter of the Application of
556 Driggs Avenue, LLC,
Petitioner,

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

M-218
Index No. 159157/16

-against-

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

-----X
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 25, 2017,

And petitioner-appellant having moved for an enlargement of time to perfect the proceeding,

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 granted to the extent of enlarging the time to perfect the proceeding 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 March 15, 2018.

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

-----X
Rosen Livingston & Cholst, LLP,

Petitioner-Appellant,

-against-

M-262
Index No. 159138/16

Alain Perez De Corcho, et al.,

Respondents-Respondents.
-----X

Petitioner-appellant, pro se, 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 February 15, 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 March 15, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

200 East 62nd Owner, LLC,

Plaintiff-Respondent,

-against-

M-240
Index No. 158233/14

Kathryn Grace Jordan,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about October 5, 2016 or, in the alternative, to remand the matter to Supreme Court to vacate the trial order,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2018 Term, with no further enlargements to be granted. The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 15, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Peter H. Moulton, Justices.

-----X
U.S. Bank National Association, etc.,
Plaintiff-Appellant,

-against-

DLJ Mortgage Capital, Inc., M-79
Defendant-Respondent. Index Nos. 652344/12

652644/12
U.S. Bank National Association, etc., 653467/12
Plaintiff-Appellant,

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Respondent.

U.S. Bank National Association, etc.,
Plaintiff-Appellant,

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Respondent.
-----X

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

And, plaintiff-appellant, U.S. Bank National Association, etc., having moved for an enlargement of time to perfect its 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 to the extent of enlarging the time to perfect the appeal to the September 2018 Term, with leave to seek additional 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 March 15, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

UBS Securities LLC, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-6096

M-6347

Highland Capital Management, L.P.,
et al.,

Index No. 650097/09

Defendants-Appellants-Respondents,

Highland Security Opportunities
Holding Company, et al.,
Defendants-Appellants.

-----X

Plaintiffs-respondents-appellants having moved for reargument of the decision and order of this Court, entered on October 31, 2017 (Appeal Nos. 4834 and 4835) [M-6096],

And defendants-appellants-respondents and defendants-appellants having jointly moved for the same relief [M-6347],

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

It is ordered that plaintiffs-respondents-appellants' motion is granted and, upon reargument, the decision and order of this Court, entered on October 31, 2017 (Appeal Nos. 4834 and 4835) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 4834 and 4835 decided simultaneously herewith.) Defendants' motion for reargument 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 March 15, 2018.

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

-----X
Licelot Deno,
Plaintiff-Respondent,

-against-

M-585

Index No. 305172/12

Persio Belliard and Angel Chabla,
Defendants-Respondents.

-----X
Persio Belliard and Angel Chabla,
Third-Party Plaintiffs-Respondents,

-against-

Third-Party
Index No. 84028/12

The City of New York and P.O. Jerry
Gonzalez,
Third-Party Defendants-Appellants.

-----X

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

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

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

It is ordered that the motion for a stay of trial is granted on condition that third-party defendants-appellants perfect their appeal on or before July 9, 2018 for the September 2018 Term of this Court, 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 March 15, 2018.

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

-----x
The Bank of New York Mellon, etc.,
Plaintiff-Appellant-Respondent,

-against-

WMC Mortgage, LLC, etc.,
Defendant-Respondent,

M-426
Index No. 653099/14

J.P. Morgan Mortgage Acquisition
Corporation, et al.,
Defendants-Respondents-Appellants.
-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 7, 2016,

And said appeals having been consolidated by an order of this Court entered on August 22, 2017 (M-3025),

And the parties having jointly 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 September 2018 Term.

ENTERED:


CLERK

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

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

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

M-568
Ind. No. 4589/07

-against-

ORDER DENYING LEAVE
UPON REARGUMENT

Nouchie Vellon,
Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby grant reargument of the order of a Justice of this Court (M-3242), entered on August 1, 2017, which denied defendant's motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, but, upon reargument, adhere to the prior certification that 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 (Gregory Carro, J.) entered on or about May 24, 2017 is hereby denied.

Dated: March 2, 2018
New York, New York



Hon. Troy K. Webber
Associate Justice

ENTERED:

MAR 15 2018

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

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

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

M - 358
Ind. No. 261/77

-against-

CERTIFICATE
DENYING LEAVE

Walter Grant,

Defendant.
-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Patricia M. Nuñez, J.), entered on or about November 16, 2017, is hereby denied.

Dated: February 28, 2018
New York, New York

CSK

Hon. Cynthia S. Kern
Associate Justice

ENTERED: MAR 15 2018