

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 May 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

-----X

Konstandina Kales,

Plaintiff-Appellant,

-against-

City of New York,

Defendant-Respondent.

-----X

M-1430
Index No. 155690/12

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 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 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 May 29, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Darlene Miller,
Plaintiff-Respondent,

-against-

M-2355
Index No. 21361/16E

Moises Nunes DeSouza,
Defendant-Respondent,

William Rothchild and Sharon
Rothchild,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings, including trial, pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 19, 2017,

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

It is ordered that the motion is denied.

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 May 29, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of the Claim of
Jose R. Dominguez,
Claimant-Appellant,

-against-

M-1459
Index No. 153458/17

City University of New York,
et al.,
Respondents-Respondents.

-----X

Claimant-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 June 5, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 May 29, 2018.

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

-----X

Patricia Curran,

Plaintiff-Respondent,

-against-

M-2058
Index No. 101673/13

New York City Transit Authority,
et al.,

Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court, entered on January 2, 2018 (Appeal No. 5357N),

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, upon reargument, the decision and order of this Court, entered on January 2, 2018 (Appeal No. 5357N), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No.5357N decided simultaneously herewith.)

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 May 29, 2018.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Anil C. Singh, Justices.

-----X

Patricia Thompson-Shepard, as
Administratrix of the Estate of
William Shepard, deceased, and
Patricia Shepard,
Plaintiffs-Appellants,

-against-

M-1612
Index No. 153404/13

Lido Hall Condominiums and Veritas
Management, LLC,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 25, 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 October 2018 Term, with no further enlargements to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-1561

Ind. No. 3112/13

Fidel Vega,
Defendant-Respondent.

-----X

The People 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 June 15, 2016, which granted defendant's motion to vacate the sentence,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated March 22, 2018, 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 October 2018 Term. (See M-1558, M-1559 and M-1560, decided simultaneously herewith.)

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 May 29, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-1560

Ind. No. 5117/08

Jason Lara,
Defendant-Respondent.

-----X

The People having moved for an enlargement of time to perfect the appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 1, 2015,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated March 22, 2018, 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 October 2018 Term. (See M-1558, M-1559 and M-1561, decided simultaneously herewith

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 May 29, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-1559

Ind. No. 1087/12

Denise Dennis, formerly known as
Andre Dennis,
Defendant-Respondent.

-----X

The People having moved for an enlargement of time to perfect the appeal taken from an order setting aside the original sentence of the Supreme Court, New York County, entered on or about July 18, 2016,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated March 22, 2018, 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 October 2018 Term. (See M-1558, M-1560 and M-1561, decided simultaneously herewith.)

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 May 29, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-1558
Ind. No. 3826N/12

Marcus Culbert,
Defendant-Respondent.

-----X

The People having moved for an enlargement of time to perfect the appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 30, 2016,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated March 22, 2018, 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 October 2018 Term. (See M-1559, M-1560 and M-1561, decided simultaneously herewith.)

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 May 29, 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-1898
Ind. No. 2707/16

Bill Queen,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 15, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 29, 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 May 29, 2018.

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

-----X
Herminia Rivera,
Plaintiff-Respondent,

-against-

M-1900X
Index No. 308925/11

Emcor Services New York/New Jersey,
Inc.,
Defendant,

Amawalk Landscaping & Snowplowing
Inc., USM, Inc., and Home Depot
U.S.A., Inc.,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about April 13, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 11, 2018, and due deliberation having been had thereon,

It is ordered that the appeals 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 May 29, 2018.

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

-----X
Tatiana Brunetti, individually,
and as a member suing derivatively
on behalf of Ginza Holding LLC,
and Ginza Project LLC, individually,
and as a member suing derivatively
on behalf of Ginza 2 LLC,

M-1901X
Index No. 653855/15

Plaintiffs-Respondents-Appellants,

-against-

Dmitry Sergeev, also known as
Dzhemali Kvaratskheliya, Ginza 2
LLC, Ginza Management LLC, Ginza 1
LLC and Ginza 3 LLC,
Defendants-Appellants-Respondents,

Ginza Holding LLC, et al.,
Defendants-Respondents.

-----X
(And a Third-Party Action)
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 12, 2018, and due deliberation having been had thereon,

It is ordered that the appeals 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 May 29, 2018.

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

-----X
Valbona Fetahu,
Plaintiff-Appellant,

-against-

M-2150
Index No. 158294/13

New Jersey Transit Corp.,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 24, 2017 and March 29, 2018,

And plaintiff-appellant having moved to consolidate the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, dated May 16, 2018, and due deliberation having been had thereon,

It is ordered that the motion 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 May 29, 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 a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Tyrone F.,
Petitioner-Respondent,

-against-

CONFIDENTIAL
M-1666

Docket Nos. V-25788-14/16E
V-25788-14/16F

Mariah O.,
Respondent-Appellant,

Administration for Children's Services
- Bronx,
Respondent-Respondent.

In the Matter of

Sayoni Sarah Skyy F.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

Docket No.
NN-17948/15

Administration for Children's Services,
Petitioner-Respondent,

Mariah O.,
Respondent-Appellant,

Tyrone F.,
Respondent-Respondent.

-----X

Petitioner-respondent Tyrone F., having moved for leave to respond, as a poor person, to the perfected appeal taken from two orders of the Family Court, Bronx County, both entered on or about July 12, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, NY 11753, Telephone No. (516) 942-4221, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The perfected appeal is hereby adjourned 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 May 29, 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 a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Francois B.,
Petitioner-Respondent,

-against-

CONFIDENTIAL
M-1333
Docket Nos. V-20747-17/17A
V-31612-17/17A

Fatoumata H. L., also known as
Haidatia L., also known as Aida L.,
also known as Haidara L.,
Respondent-Appellant,

Jules Andre B.,
Subject Child Appellant.

Leslie S. Lowenstein, Esq.,
Attorney for the Child.

-----X
Respondent-appellant mother, Haidara L., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 12, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1073, decided simultaneously herewith.)

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 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 a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Francois B.,
Petitioner-Respondent,

-against-

CONFIDENTIAL
M-1073
Docket Nos. V-20747-17/17A
V-31612-17/17A

Fatoumata H. L., also known as
Haidatia L., also known as Aida L.,
also known as Haidara L.,
Respondent-Appellant,

Jules Andre B.,
Subject Child Appellant.

Leslie S. Lowenstein, Esq.,
Attorney for the Child.

-----X
Edward J. Rinaldi, Esq., Family Court attorney for the subject child, having moved on said child's behalf for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 12, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1333, decided simultaneously herewith.)

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 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,

M-1196

-against-

Ind. No. 1476/16

Dillan Roldan,
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 November 3, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 May 29, 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-1339

Ind. No. 5122/16

Ernest Gillard,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 29, 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,

M-1197

Ind. No. 1107/17

-against-

Arcadio Zamudio Barrios,

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 February 27, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 May 29, 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-1285
Ind. No. 1589/15

Decourcey Belle,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 8, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 May 29, 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-1670
Ind. Nos. 2061/11
29471C/11

Gregory Ferguson,

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 January 24, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 29, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-1559

Ind. No. 1087/12

Denise Dennis, formerly known as
Andre Dennis,
Defendant-Respondent.

-----X

The People having moved for an enlargement of time to perfect the appeal taken from an order setting aside the original sentence of the Supreme Court, New York County, entered on or about July 18, 2016,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated March 22, 2018, 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 October 2018 Term. (See M-1558, M-1560 and M-1561, decided simultaneously herewith.)

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 May 29, 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-1600
Ind. No. 3606/09

Durville Small,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 27, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 29, 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-

SEALED

M-1601

Ind. Nos. 872/17

2843/16

Juan R.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 13, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

SEALED

-against-

M-1044

SCI. No. 293/17

Angel Eric P.,
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, Bronx County, rendered on or about April 26, 2017, 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 as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 May 29, 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,

M-1195

Ind. No. 325/17

-against-

Darell Jenkins, also known as Natigue
Jenkins,

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 November 13, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 29, 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-1615

-against-

Ind. No. 3287/14

Jose Pineiro,

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 March 5, 2018, 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, Robert S. Dean, Esq., 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 May 29, 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-1616
Ind. No. 884/15

Kristal Del Valle,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 30, 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, including the correspondence from Lauren J. Springer, Esq., of counsel to defendant, dated April 11, 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 May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-1110
Ind. No. 4904/13

Dwayne Mitchell,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 15, 2018 (M-6602), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2017, and assigning Robert S. Dean., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 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 May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-1128

-against-

Ind. No. 4207/15

Confesor Pagan,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 7, 2017, 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.

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 May 29, 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,

M-1129

Ind. No. 1669/86

-against-

Julio Ramirez,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 7, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 29, 2018.

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

-----X

In the Matter of

Genesis R.,

CONFIDENTIAL

M-1687

Docket No. B-40368/15

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -

Graham Windham Services to Families and Children,
Petitioner-Respondent,

Marcelino C.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for an enlargement of time to perfect his appeal taken from an order of the Family Court, New York County, entered on or about August 16, 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 in which 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 May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Peter Tom, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1200

Ind. No. 2099/14

Arthur Blake,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 21, 2017 (Appeal No. 3155), unanimously affirming a judgment of the Supreme Court, New York County (Neil Ross, J.), rendered on March 2, 2015,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

Kenworth S.,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.

-----X

CONFIDENTIAL

M-1553
Claim No. 128819
Ind. No. 2147/08

Claimant-appellant, pro se, having moved, inter alia, for leave to prosecute, as a poor person, his appeal taken from an order of the Court of Claims, Albany County, entered on or about October 12, 2017, under the case caption *Scarlet v. The State of New York*, (Claim No. 128819), which granted respondent's motion to dismiss the claim and denied claimant-appellant's motion to amend his claim; and seeks reinstatement of his appeal dismissed under the case caption *The People of the State of New York v Kensworth S.* (Ind. No. 2147/08),

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 in its entirety.

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 May 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Peter Tom, Justices.

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

-against-

M-4150
Ind. No. 3940/02

Johnnie Cooks,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 20, 2016 (Appeal No. 8318), unanimously affirming a judgment of the Supreme Court, Bronx County (Phyllis Bamberger, J.), rendered on November 9, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2018.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

Respondent,

M-1100

Ind. No. 3795/16

-against-

Cherif Cisse,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 25, 2017 (M-3278), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 1, 2016, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 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 May 29, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Anthony T. Rinaldi, LLC, doing
business as The Rinaldi Group, LLC,
et al.,

Plaintiffs-Respondents,

M-1156
Index No. 450691/16

-against-

North American Specialty Insurance
Company,
Defendant-Appellant,

Anchorage Construction Corp.,
Defendant-Respondent.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 3, 2017,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Lawrence L. Flynn, Esq., of counsel to defendant-appellant, 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 May 29, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Liberty Mutual Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-1564
Index No. 653992/16

Dr. Eliezer L. Offenbacher, M.D.,
PPLC, and Eliezer Offenbacher, M.D.,
Defendants-Appellants,

-and-

Tesla Imaging Corp., and Alexander
Bank,
Defendants.

-----X

Two appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about April 24, 2017,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the two appeals to the September 2018 Term; and, sua sponte, said appeals are consolidated and defendants are directed to perfect the consolidated appeals on a single brief and record for said 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 May 29, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Peter H. Moulton, Justices.

-----x
Joanne DiPasquale,
Plaintiff-Respondent,

-against-

Boys & Girls Harbor Inc.,
Defendant,

M-2145
Index No. 301957/11

-and-

East Harlem Arts and Education Local
Development Corp.,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court Bronx County, entered on or about September 11, 2017,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 May 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Richard T. Andrias
Jeffrey K. Oing, Justices.

-----X
In the Matter of

Ashley F.,

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

CONFIDENTIAL

M-1457

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Docket Nos. NA-1574/14
NA-20787/14

Jesus O.,
Respondent-Appellant.

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

-----X
In the Matter of

Jaylyn Z.,
Destiny O.,
Jaydyan O.,
Maci O.,
and Hevenly O.,

CONFIDENTIAL

Docket Nos.
N-1570/14
N-1571/14
N-1572/14
N-1573/14

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

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Jesus O.,
Respondent-Appellant.

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

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about January 27, 2017, and said appeal having been perfected,

And the child, Ashley F., having moved to dismiss respondent's appeal to the extent he seeks review of certain orders under Docket No. NA-1574/14, pertaining to said child, Ashley F.,

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

It is ordered that the motion to dismiss the appeal is denied as to Ashley F., under Docket No. NA-1574/14 and, sua sponte, respondent's notice of appeal is deemed to include the order of the Family Court, Bronx County, entered on or about December 5, 2016 and all the docket numbers listed on the order.

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 May 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

-----X

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

CONFIDENTIAL

- - - - -

Daniel B.,
Petitioner-Respondent,

M-1668
M-1653
Docket Nos. V-34115-15/16C
V-45875/16

-against-

Oksana B.,
Respondent-Appellant.

- - - - -

Andrew J. Baer, Esq.,
Attorney for the Child.

-----X

Andrew J. Baer, Esq., court attorney for the subject child, having moved on the child's behalf to dismiss the respondent-appellant-mother's appeal taken from an order of the Family Court, New York County, entered on or about April 21, 2017, which awarded the petitioner-respondent-father, custody of the subject child, (M-1668),

In the order at issue on this motion, Family Court found that respondent-appellant-mother has taken the child to the Ukraine and, despite court orders, not returned the child to the United States. Family Court found that it would be in the best interests of the child to reside with the petitioner-respondent-father in the United States and attend an English-language school,

And respondent-appellant-mother, cross-moves (M-1653), seeking an enlargement of time to perfect her appeal taken from the aforesaid order, and opposes the subject child's motion to dismiss,

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

It is ordered that the motion to dismiss (M-1668) is granted, unless respondent-appellant-mother's appeal is perfected for the September 2018 Term,

And it is further ordered that the cross motion (M-1653) 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 May 29, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

-----X
In the Matter of the Application
of Diamond Maldonado,
Petitioner-Appellant,

-against-

M-1746
Index No. 250739/15

Crotona Place West Housing
Development, and Housing
Preservation Development,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 4, 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

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,

-against-

Rafael Reynoso Adames,

Defendant.

M - 1753
Ind. No. 7181/00

CERTIFICATE
DENYING LEAVE

-----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 (Ann E. Scherzer, J.), dated February 8, 2018, is hereby denied.

Dated: April 30, 2018
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: MAY 29 2018