

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 31, 2018.

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

-----X

In the Matter of

Junior V.-R.,

A Person Alleged to be a Juvenile  
Delinquent,

Respondent-Appellant.

**CONFIDENTIAL**

M-1541  
Docket No. D-05171/16

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, Bronx 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 in which to perfect the appeal to the October 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2018.

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

-----X  
New York City School Construction  
Authority,  
Plaintiff-Respondent,

-against-

M-1606  
Index No. 42079/14E

Adam's European Contracting, Inc.  
Defendant-Appellant.

-----X  
Adam's European Contracting, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Phoenix Services Corp., Universal  
Testing 7 Inspection Services Inc.,  
Susan Doban, and Susan Doban  
Architect, PC,  
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., having moved for an enlargement of time to perfect the appeal taken from an order the Supreme Court, Bronx County, entered on or about July 20, 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, with leave to renew, on papers including a copy of the order appealed, entered on or about June 20, 2017, and including proof of service of the motion upon counsel to third party defendant respondent Universal Testing & Inspection Services.

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 31, 2018.

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

-----X  
New York City School Construction  
Authority,  
Plaintiff-Respondent,

-against-

M-1607  
Index No. 42079/14E

Adam's European Contracting, Inc.  
Defendant-Appellant.

-----X  
Adam's European Contracting, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Phoenix Services Corp., Universal  
Testing 7 Inspection Services Inc.,  
Susan Doban, and Susan Doban  
Architect, PC,  
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., having moved for an enlargement of time to perfect the appeal taken from an order the Supreme Court, Bronx County, entered on or about November 18, 2016,

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

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2018.

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

-----x  
John Triantafillakis,

Plaintiff-Appellant,

-against-

M-1611  
Index No. 650120/15

Jennifer Madden, et al.,

Defendants-Respondents.  
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about September 7, 2016 and December 23, 2016,

And defendants-respondents Jennifer Madden, Trian West LLC and Laki Kokotas having moved for dismissal of the aforesaid appeals for failure to timely perfect (22 NYCRR 600.11[a][3]),

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

It is ordered that the motion is granted, and the appeals are dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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 Paternity Proceeding Under Article 5 of the Family Court Act.

- - - - -  
Commissioner of Social Services on behalf of Nishaya G.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-1065  
P-44519/16

-against-

Shaquan G.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about January 26, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and

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

(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-1628, dated May 31, 2018, released 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 31, 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 Paternity Proceeding Under Article 5 of the Family Court Act.

-----  
Commissioner of Social Services on behalf of Nishaya G.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-1628  
P-44519/16

-against-

Shaquan G.,  
Respondent-Appellant.

-----

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

-----X

Stephanie Rancer, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 26, 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 §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York, 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that

(M-1628)

-2-

May 31, 2018

one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1065, dated May 31, 2018, released 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 31, 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 Proceeding for Custody/Visitation Under Article 6 of the Family Court Act.

- - - - -  
Natalie A.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-1622  
Docket Nos. V-21626/17  
O-21622/17

-against-

Chadwick P.,  
Respondent-Respondent.

-----X

Respondent-Respondent having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, New York County, entered on or about December 5, 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, Michael F. Dailey, Esq., One Riverdale Avenue, Suite One - Mailbox 11, Bronx, New York 10463, Telephone No. 718-543-0100, 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 appellant and 8 copies thereof are filed with this Court.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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.

- - - - -  
Josephine F.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-1634  
Docket Nos. V-28833/15

-against-

Rodney W.,  
Respondent-Respondent.  
- - - - -

Thomas R. Villecco, Esq.,  
Attorney for the Child.  
-----X

Jessica M. Brown, Esq., court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from orders of the Family Court, Bronx County, entered on or about September 21, 2017 and October 5, 2017, and for the assignment of counsel, a free copy of the transcript, and for related relief,

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

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, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the

(M-1634)

-2-

May 31, 2018

appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 8 copies thereof are filed with this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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  
Tiara Dora S., also known as Tiara S.; and Victor Manuel D., Jr., also known as Victor M. D., Jr., also known as Victor D., Jr.,

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

- - - - -  
Saint Dominic's Family Services formerly known as St. Dominic's Home and The Commissioner of the Administration of Social Service of the City of New York, Petitioners-Respondents,

**CONFIDENTIAL**  
**M-1663**

Docket No. B-13550-51/16

Debbie S.,  
Respondent-Appellant,

Victor Manuel D., also known as Victor M. D., also known as Victor D., also known as Jose C.,  
Respondent-Appellant.

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

-----X

Respondent-appellant Victor Manuel D., having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Family Court, Bronx County, entered on or about November 30, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Helene Bernstein, Esq., 44 Court Street, Suite 905, Brooklyn, NY 11201, Telephone No. (718) 875-8705, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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 Support Proceeding  
Under Article 4 of the Family Court Act.

- - - - -  
Natasha M.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-1785  
F-44656-15/16D

-against-

James H.,  
Respondent-Respondent.

-----X

Respondent-Respondent having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, New York County, entered on or about January 11, 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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, No. 576, Hastings on Hudson, New York, 10701, Telephone No. 914-439-4843, 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 petitioner-appellant and 8 copies thereof are filed with this Court. (See M-838, dated May 31, 2018, released 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 31, 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 Support Proceeding  
Under Article 4 of the Family Court Act.

- - - - -  
Natasha M.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-838  
F-44656-15/16D

-against-

James H.,  
Respondent-Respondent.

-----X

Petitioner-Appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 11, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance

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

(M-838)

-2-

May 31, 2018

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-1785, dated May 31, 2018, released 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 31, 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-1447  
SCI No. 251N/18

Taiwan Battle,

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 March 5, 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 31, 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-1450  
Ind. No. 3480/17

Terrell Sutherland,

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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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-1451  
Ind. No. 2817/16

Keith Morris,

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 February 28, 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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-1452

Ind. No. 5328/16

Wayne Kinsey,

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 February 2, 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 31, 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-1650  
Ind. No. 3629/16

Ceni Ellis,

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 February 9, 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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-4740  
Ind. No. 2086/06

Moses Ervine,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on March 6, 2014 (Appeal No. 11894), unanimously affirming a judgment of the Supreme Court, Bronx County (Michael A. Gross, J.), rendered on May 10, 2012,

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 31, 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-4920  
Ind. No. 7914/97

Arthur Canteen,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on June 25, 2002 (Appeal No. 1463), unanimously affirming a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on March 13, 2000,

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 31, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
U.S. Bank, NA, successor trustee to  
Bank of America, NA, etc.,  
Plaintiff-Respondent,

-against-

Jose Buco,  
Defendant-Appellant,

M-908  
Index No. 850355/14

-and-

Board of Managers of the Strand  
Condominium Homeowners Association,  
et al.,  
Defendants.

-----x

An appeal having been taken to this Court by defendant Jose Buco from the order of the Supreme Court, New York County, entered on or about April 20, 2017,

And plaintiff-respondent having moved for dismissal of the aforesaid appeal for failure to timely perfect (CPLR 5513), or 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 and the appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Sallie Manzanet-Daniels  
Peter Tom  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
Ziming Shen, et al.,

Plaintiffs-Appellants,

-against-

M-1152  
Index No. 150808/16

Morvillo, Abramowitz, Grand, Iason,  
Silverberg, P.C.,

Defendant-Respondent.  
-----x

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 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 and the appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias, Justices.

-----X  
In the Matter of the Application of  
Norma Kirkland,  
Petitioner,

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

M-1006  
Index No. 100493/16

-against-

New York State Office of Children  
and Family Services, 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 May 16, 2016,

And an order of this Court having been entered on December 12, 2017 (M-2864), inter alia, denying respondent's motion seeking a vacatur of a stay issued in Supreme Court, and expediting the appeal to the March 2018 Term,

And respondents having renewed the motion to vacate the stay in Supreme Court, and for dismissal of the proceeding for failure to timely perfect,

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

It is ordered that the motion is granted, the stay is vacated, and the proceeding is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Gerald P. Halpern, co-executor of The  
Estate of Fred Ziess and Maunter-Glick  
Corp.,

Petitioners-Landlords-Respondents,

-against-

M-1489  
Index No. 570204/17

Mark Tunne,

Respondent-Tenant-Appellant.  
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about October 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 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 31, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
GKK 2 Herald LLC,

Petitioner,

-against-

M-563  
OP No. 82-2016

The City of New York Tax Appeals  
Tribunal, et al.,

Respondents.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 10, 2017 (Appeal No. 4074),

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

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

-----X

Richard Trumbull and Margaret  
Trumbull,  
      Plaintiffs-Respondents,

-against-

Adience, Inc., et al.,  
      Defendants,

Rogers Corporation, Cleaver Brooks,  
Inc., J.H. France Refractories Company,  
The Fairbanks Company, and Caterpillar,  
Inc.,

      Defendants-Appellants.

M-2301

M-2302

M-2303

Index No. 190084/16

-----X

Appeals having been taken from an order of the Supreme  
Court, New York County, entered on or about April 30, 2018,

And defendants-appellants Rogers Corporation, Cleaver  
Brooks, Inc., and J.H. France Refractories Company (M-2301),  
Caterpillar, Inc. (M-2302); and Fairbanks Company (M-2303) having  
separately moved for a stay of trial pending hearing and  
determination of the appeals taken from the aforesaid order,

And defendant-appellant Caterpillar, Inc., having stipulated  
to withdraw its motion (M-2302),

And defendant-appellant Rogers Corporation having withdrawn  
its motion (M-2301),

And defendant-appellant Fairbanks Corporation having  
withdrawn its motion (M-2303),

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

It is ordered that the extant motions for a stay of trial pending hearing and determination of their respective appeals are denied. The motions by Caterpillar, Inc., Rogers Corporation, and Fairbanks Corporation are deemed withdrawn in accordance with the correspondence of the parties dated May 17, 2018 and May 23, 2018.

ENTERED: May 31, 2018

  
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 31, 2018.

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

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

-against-

M-1566  
Ind. No. 414/16

Henry Hassan,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 18, 2017 (M-1586), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 20, 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, 28<sup>th</sup> 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 31, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Peter Tom  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X

Kawasi Asante-Tannor,  
Plaintiff-Appellant,

-against-

M-1201  
Index No. 805015/14

Betty Chia-Wen Chang M.D., et al.,  
Defendants-Respondents,

Winthrop University Hospital,  
Defendant.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 1, 2018 (Appeal No. 5574),

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 31, 2018.

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

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

Respondent,

-against-

M-247  
Ind. No. 1422/14

Sassony Bryant,

Defendant-Appellant.  
-----x

A decision and order of this Court having been entered on February 8, 2018 (Appeal No. 5647), unanimously modifying a judgment of the Supreme Court, New York County (Jill Konviser, J.), rendered on November 10, 2015,

And counsel for defendant having moved for leave to file a supplemental brief in connection with the aforesaid appeal,

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

It is ordered that the motion is denied as moot.

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 31, 2018.

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

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

-against-

M-1426  
Ind. No. 1456/16

Dwight Cromer,  
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 November 21, 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 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. 212-402-4100, 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 31, 2018.

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

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

Respondent,

-against-

M-1618  
Ind. No. 3701/15

Denzel Weir,

Defendant-Appellant.  
-----X

Defendant-appellant's appointed counsel, The Legal Aid Society, having moved to dismiss defendant-appellant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 10, 2016, as moot, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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 under New York County Ind. No. 3701/15.

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 31, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X

In the Matter of the Application  
to Hold

William W. Koeppel

**M-905**

Surrogate's Court  
File No. 1996-4098C

in Statutory Criminal and/or Civil  
Contempt and/or Common Law Civil  
Contempt for Violating Orders  
Entered by this Court, and to  
Decide the Summary Judgment Motion  
Presently Held in Abeyance, in the  
Matter of the Application of the  
Law Offices of Craig Avedisian, P.C.  
and Richenthal, Abrams and Moss to  
Fix and Determine a Charging Lien  
Pursuant to Judiciary Law §475 and  
for a Money Judgment and Related  
Relief Against William W. Koeppel  
regarding the Estate of

Robert A. Koeppel,  
Deceased.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on February 20, 2018,

And defendant-appellant having moved to stay a certain contempt sentence pending determination of the appeal, and, should defendant be incarcerated, immediate release on his own recognizance or on fixed bail,

And an interim stay having been granted by an order of a Justice of this Court, dated December 14, 2012,

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

It is ordered that the interim stay granted by a Justice of this Court be continued as a full bench stay, on condition that respondent perfects the appeal for the September 2018 Term, with the proviso that should respondent fail any condition of the stay or this Court's order in any respect, petitioner may move ex parte, upon a showing of respondent's non-compliance, to vacate the stay.

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 31, 2018.

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

-----X  
Unitrin Advantage Insurance Company,  
Plaintiff-Respondent,

-against-

M-1246  
Index No. 154138/14

All of NY, Inc., et al.,  
Defendants,

Andrew J. Dowd, M.D.,  
Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 6, 2018 (Appeal No. 5629),

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 31, 2018.

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

-----X

In re 49 Bleecker, Inc.,

Petitioner-Respondent,

-against-

Jen Gathien, et al.,

Respondents-Appellants.

-----X

M-997

Index No. 570312/14

Petitioner-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 25, 2018 (Appeal No. 5518),

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 31, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----x  
Footprint Power Salem Harbor  
Development, LP,

Petitioner-Appellant,

-against-

Iberdrola Energy Projects, Inc.,

Respondent-Respondent.  
-----x

M-2345  
Index No. 651963/18

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 1, 2018,

And petitioner-appellant having moved for a stay of an arbitration hearing, pending hearing and determination of the aforesaid appeal, and for other relief,

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

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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,

-against-

M-1445  
SCI No. 32/09

Robert Fleming,

Defendant.

-----x

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 4, 2013,

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 31, 2018.

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

-----X  
Melissa Lawyer, as Administratrix of  
the Estate of Jevon Shamel Lawyer  
and Melissa Lawyer, Individually,

Plaintiffs-Appellants,

-against-

M-1483  
Index No. 309963/09

The City of New York, 922 Southern  
LLC, East River Family Center, LLC,  
David Levitan, Mark Goldberg and  
Basic Housing Inc.,

Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 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 denied as unnecessary (Rule 600.11(a)(3)), with leave to renew on or before November 1, 2018, if so advised.

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,

**CONFIDENTIAL**

M-1810

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 certify that, upon the second application made by the above-named defendant for reargument of the order of a Justice of this Court (M-3242), entered on August 1, 2017, which denied his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the order of the Supreme Court, New York County (Gregory Carro, J.) entered on or about May 24, 2017 is hereby denied.

Dated: May 8, 2018  
New York, New York

\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

ENTERED:

**MAY 31 2018**

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

BEFORE: Hon. RICHARD T. ANDRIAS  
Associate Justice of the Appellate Division

-----X

Kevin Heldt,

Plaintiff-Appellant,

M-2183

Index. No. 651464/2018

-against-

Ilissa Watnik,

Defendant-Respondent.

-----X

Plaintiff, Kevin Heldt, having moved for leave to appeal to the Appellate Division, First Department, from the order of Supreme Court, New York County (Jennifer G. Schecter, J.) entered on or about April 24, 2018,

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

Ordered that the application for leave to appeal is granted pursuant to CPLR 5520(b).

Dated: May 24, 2018  
New York, New York

\_\_\_\_\_  
Hon. Richard T. Andrias  
Associate Justice

**ENTERED**

**MAY 31 2018**