

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 November 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzairelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Mary Rodgers,

Plaintiff-Respondent,

M-4825

Index No. 805368/15

-against-

Sherrell J. Aston, M.D., Manhattan Eye, Ear,
and Throat Hospital, a Division of Lennox
Hill Hospital, and North Shore Long Island
Jewish Health System, Inc.,

Defendants-Appellants.
-----X

Plaintiff-appellant having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about June 26, 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 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 November 29, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

M-4846
Ind. No. 773/14

Joel Sanders,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a further enlargement of time in which to perfect the consolidated appeals taken from judgments, and an order of the Supreme Court, New York County, rendered on or about October 10, 2017 and March 16, 2018, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the April 2019 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 November 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzairelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4862

Ind. No. 4196N/14

Kris Rockson, also known as
Kriss Cakou Rockson,

Defendant-Appellant.

-----X

The Center for Appellate Litigation having moved for an order dismissing defendant's appeal taken from judgments of the Supreme Court, New York County, rendered on or about July 30, 2015, 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.

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 November 29, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----x

East Fordham DE, LLC,
Plaintiff-Respondent,

-against-

M-5477

Index No. 260551/14

U.S. Bank National Association, etc.,
et al.,
Defendants-Appellants,

Berkadia Commercial Mortgage LLC,
Defendant-Appellant,

Keybank National Association,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 30, 2017, and said appeals having been perfected,

And plaintiff-respondent having moved for an order striking and dismissing the appeals based on the inclusion in the joint record on appeal of matters dehors the record and pervasive references in the briefs to such matters or, in the alternative, for an enlargement of time to file a respondent's brief, and to impose costs and sanctions upon defendants-appellants,

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 only to the extent of adjourning the appeals to the February 2019 Term. The motion is otherwise denied.

ENTERED:


CLERK

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

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Ellen Gesmer
Peter H. Moulton, Justices.

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

Respondent, M-2576A
DC #27
-against- Ind. No. 2602/12

Therese Dacres,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 7, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

And the parties herein having subsequently entered into a stipulation withdrawing the aforesaid appeal,

Now, upon reading and filing the papers herein, including the aforesaid stipulation, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation. The order of this Court entered on July 5, 2018 (M-3576) is hereby recalled and vacated.

ENTERED:


CLERK

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

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

-----X
Allstate Insurance Company,

Plaintiff-Appellant,

-against-

M-5092

Index No. 652106/16

Health East Ambulatory Surgical Center,
A/A/O Bujar Kaziu,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 7, 2017,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant's counsel, dated March 15, 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 November 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-5093

Ind No. 920/14

-against-

Gregory Aikens,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 8, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated October 11, 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 November 29, 2018.

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

-----X
Joseph Passantino,

Plaintiff-Appellant,

-against-

M-5095

Index No. 22973/14

The City of New York, New York City
School Construction Authority, New York
Department of Education and Admiral
Construction LLC,

Defendant-Respondent

The City of New York and New York City
Department of Education,

Third-Party Plaintiffs,

-against-

Verizon Communications Inc. and
AT&T Corp.,

Third-Party Defendants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 10, 2018,

Now, upon reading and filing the correspondence of plaintiff-appellant's counsel hereto, dated October 15, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence.

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 November 29, 2018.

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

-----X
Michael Carriere and Lori Carriere,
Plaintiffs-Appellants,

-against-

Bonefish Grill, LLC,
Defendant,

M-5096

Index No. 154297/13

Crossection, Inc.,
Defendant-Respondent.

Crossection, Inc.,
Third-Party Plaintiff,

-against-

Souza Drywall Company, Inc.,
Third-Party Defendant.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 20, 2018,

Now, upon reading and filing the papers with respect to the motion, including the correspondence filed by plaintiffs-appellants' counsel, dated October 15, 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 November 29, 2018.

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

-----X
Itamar V. Oliveira and Joanita Lima
Oliveira,

Plaintiffs-Appellants,

M-5097

Index No. 153483/15

-against-

LSG 365 Bond Street LLC, and Lettire
Construction Corp.,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 8, 2018,

Now, upon reading and filing the correspondence of plaintiffs-appellants counsel hereto, dated October 15, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence.

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 November 29, 2018.

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

-----X
Lance West, et al.,

Plaintiffs-Appellants,

-against-

M-5105X

Index No. 655011/16

Chubb Indemnity Insurance Company,

Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 18, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 12, 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 November 29, 2018.

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

-----X
Jerome D. Butler,

Plaintiff-Appellant,

-against-

M-5107X

Index No. 307270/11

J.P. Morgan Chase Bank, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 6, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 11, 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 November 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-5109

SCI No. 2192/16

-against-

Rayfield Wheeler,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 27, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 3, 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 November 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-5111

Ind No. 1511/16

-against-

Michael Anthony,

Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 1, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 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-5119

SCI No. 2403/16

-against-

Rafael Guzman,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 26, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated September 13, 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 November 29, 2018.

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

-----X

Emilio Castillo,

Plaintiff-Respondent,

-against-

M-5127X

Index No. 300946/14

Holy Spirit Association For The
Unification of World Christianity,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 23, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 17, 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 November 29, 2018.

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

-----X

Victor Solis,

Plaintiff-Respondent,

-against-

M-5128X

Index No. 302748/14

The Trustees of Columbia University
in the City of New York,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 23, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 17, 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 November 29, 2018.

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

-----X
Med-Mac Realty Co., Inc.,
Plaintiff-Appellant,

-against-

Leslie Modell, as Trustee of the Shawn M. Zimberg 1997 Trust; Charles A. Lubitz, M-5157
as Trustee of The Shelby Modell 2003 Trust No. 1; Shawn Modell, formerly Index No. 652351/14
known as Shawn M. Zimberg; Alexander Modell and Andrew Modell,
Defendants-Respondents,

Mitchell B. Modell, as Trustee of
The Shawn M. Zimberg 1997 Trust,
Nominal Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 12, 2018,

Now, upon reading and filing the correspondence from David S. Douglas, Esq., as counsel for plaintiff-appellant, dated October 5, 2018, and due deliberation having been had thereon,

It is ordered that plaintiff-appellant's notice of appeal is deemed withdrawn in accordance with the aforesaid correspondence.

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 November 29, 2018.

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

-----X
Dornell Needham and Michael Needham,
Plaintiffs-Appellants,

-against-

M-5244X
Index No. 308812/11

Gregory Hayles,
Defendant-Respondent.

-----X

Appeals having been taken from a judgment of the Supreme Court, Bronx County, entered on or about April 12, 2018, upon an order, same Court, entered on or about March 29, 2018, and from an order, same Court, entered on or about March 27, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 18, 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 November 29, 2018.

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

-----X
Mary Graham,
Plaintiff-Respondent,

-against-

M-5295X
Index No. 301010/17

Fordham Auto Sales, Inc., etc., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 5, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 24, 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 November 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-5094

Ind No. 2178/15

-against-

Giovani Iglesias,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 26, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated October 11, 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 November 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-5152
Ind. No. 1410/14

Bryam Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 31, 2016 (M-533) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2015, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq., of the Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to withdraw said appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 15, 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 November 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 Family Offense Proceeding Under Article 8 of the Family Court Act.

Jasna Mina W.,
Petitioner-Respondent,

-against-

Waheed S.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-4883

Docket Nos. O-23277/17
O-25230/17

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about March 30, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York 11598, Telephone No. 516-374-1962, 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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

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 November 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 the Guardianship
of the Person and Custody of

Amanda N.,

CONFIDENTIAL

M-5032

Docket No. B-46589/16

A Child Under 18 Years of Age Pursuant
to §384-b of the Social Services Law
of the State of New York and/or
Article 6 of the Family Court Act.

Catholic Guardian Services,
Petitioner-Respondent,

Ping N.,
Respondent-Appellant.

Dawne A. Mitchell, The Legal Aid
Society, Juvenile Rights
Division, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a Final Order of Disposition of the Family Court, New York County, entered on or about July 30, 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 the certification of Dana Leib, Esq., of the Neighborhood Defender Service of Harlem, dated August 24, 2018, 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, Dana Leib, Esq., 317 Lenox Avenue, 10th Floor, New York, New York, 10027, Telephone No. 212-876-5500, 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 Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 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

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 November 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,

CONFIDENTIAL

M-4798

-against-

Ind. No. 573/17

Lorenzo Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Farber, J.), entered on or about August 27, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make 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 Farber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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,

CONFIDENTIAL

M-4763

-against-

Ind. No. 573/17

Lorenzo Williams,
Defendant-Appellant.

-----X

Defendant-appellant 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 December 19, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5139
Ind. No. 1619/17

Adrian Norman,

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 August 30, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete 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 November 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-5225
Ind. No. 92/17

Demetrius Kelly,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 22, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 22, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-

Victor A.,
Defendant-Appellant.

-----X

SEALED

M-5254

Ind. Nos. 1623/16

515/18

Orders of the Supreme Court, Bronx County, having been entered on or about April 4, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about April 4, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5255

Ind. No. 1613/16

Jason Webb,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 27, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 27, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5262
Ind. No. 4905/16

Michael Lawrence,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 26, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 3, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-

Eric Jackson,
Defendant-Appellant.

M-5269

SCI. Nos. 380/18
381/18
379/18

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 9, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 9, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5266
Ind. No. 1006/17

Michael Williams,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 13, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 13, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5270
SCI. No. 1579/17

David Applewhite,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 9, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 9, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 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-5148

Ind. No. 1803/15

Jonathan Hodgson,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about March 27, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about March 27, 2018, under Indictment No. 1803/15

And an order of the Supreme Court, Bronx County, having been entered on or about June 14, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of **resentence**, of the Supreme Court, Bronx County, rendered on or about June 13, 2018, under the same Indictment No. 1803/15,

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

It is ordered that the appeals which are sua sponte consolidated, are permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon one reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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 and resentencing. 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.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the consolidated appeals. The time within which appellant shall perfect the consolidated appeals is hereby enlarged until 180 days from the date of receipt of the complete 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

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

Respondent,

-against-

M-4892

Ind. No. 2520/16

SCI No. 990/17

Sam Clarke,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 19, 2018 (M-935) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 31, 2017, and assigning Christina Swarns, Esq., Office of the Appellate Defender, 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 Christina Swarns, Esq., as assigned 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 180 days from the date of this order or the receipt of the complete 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

-----X
Flossie Henry,
Plaintiff-Respondent,

-against-

M-4988
Index No. 152559/14

Tyett D. Phelps,
Defendant-Appellant.

Motor Vehicle Accident Indemnification Corporation,
Appellant.

-----X

Defendant-appellant having moved to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about March 8, 2018, and to enlarge the time to perfect said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of appeal and enlarging the time to perfect the appeal to the March 2019 Term (see, 22 NYCRR 1250.10).

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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

-----x

Koya Abe,
Plaintiff-Appellant,

-against-

M-4989
Index No. 105985/10

New York University, et al.,
Defendants-Respondents.

- - - - -

Koya Abe,
Plaintiff-Appellant,

-against-

Index No. 157465/16

New York University, et al.,
Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court by plaintiff-appellant from two orders of the Supreme Court, New York County, entered on or about April 2, 2018, the single order entered on or about April 3, 2018, the single order entered on or about December 19, 2017, and two orders entered on or about December 5, 2017, under Index Nos. 105985/10 and 157465/16,

And plaintiff-appellant having moved for a stay of an order of reference, set forth in the order entered on or about December 19, 2017, pending hearing and determination of the aforementioned appeals,

And an interim stay of the order of reference and hearing scheduled for October 3, 2018 having been denied by a Justice of this Court by order dated September 28, 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 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-4997
Ind. No. 2667/16

Decourcey Belle,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 8, 2017, under Indictment No. 2667/16, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 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 180 days from the date of receipt of the complete 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-4998
Ind. No. 446/16

Carlos Osorio,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 3, 2016 (M-4802), inter alia, assigning Richard M. Greenberg, Esq. predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 24, 2016,

And counsel having moved for an order abating the appeal by reason of appellant's death on April 12, 2018, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 remanding the matter to the Supreme Court, Bronx County, to vacate the judgment of conviction and dismiss the indictment. The appeal from the aforesaid conviction 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 November 29, 2018

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

-----X
Tower Insurance Company of New York
as subrogee of 532 39 Realty, LLC,
Plaintiff-Respondent,

-against-

M-5003
Index No. 150281/11

Metal Stone Construction, Inc.,
Defendant-Appellant,

-and-

LMW Engineering Group, LLC, Jieming Wang,
Shine Realty, Inc., Zhi Kuang Yu, Pane
Stone Construction, Inc., Shiming Tham,
Shiming Tam Architect, P.C., Heng Yong
Construction, Inc., and John Hsu,
Defendants-Respondents.

-----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 27, 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 motion is granted to the extent of enlarging the time to perfect the appeal to the March 2019 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-5164

-against-

Ind. No. 326/15

Deshawn Barzey,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 26, 2018 (M-1232) granting defendant-appellant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 25, 2015, and assigning Christina Swarns, Esq., Office of the Appellate Defender, 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 Christina Swarns, Esq., Office of the Appellate Defender, as assigned counsel to prosecute defendant-appellant's appeal, and substituting, pursuant to Section 722 of

the County Law, Justine M. Luongo, Esq., the Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and defendant-appellant's time in which to perfect the instant appeal is enlarged until 180 days from the date of receipt of the complete 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 November 29, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

Curtis Munford,
Defendant-Appellant.

M-4803
Ind. Nos. 1276/04
4295/04

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about December 6, 2017, which granted in part, and denied in part, defendant-appellant's CPL 440.20 motion to set aside the sentence or, in the alternative, deeming the motion for leave to appeal to be a timely notice of appeal; and for an enlargement of time in which to perfect the appeals taken from the aforesaid order and from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 18, 2018, under New York County Indictment Nos. 1276/04 and 4295/04,

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 from the December 6, 2017 order as timely filed, and enlarging the time in which to perfect both appeals to the April 2019 Term.

ENTERED:


CLERK

CORRECTED ORDER – November 29, 2018

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

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Tamara Mellon, OBE, an individual,
Plaintiff-Appellant-Cross-Respondent,

-against-

M-4987
Index No. 654771/16

Jimmy Choo, PLC, Choo Luxury Holdings
Limited and J. Choo USA, Inc.,
Defendants-Respondents-Cross-Appellants.
-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 5, 2017,

And plaintiff-appellant-cross-respondent having moved to vacate the dismissal of her appeal pursuant to 22 NYCRR 1250.10(c), and for an enlargement of time to perfect same,

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 vacating the dismissal of plaintiff-appellant-cross-respondent's appeal, and enlarging the time to perfect same, to the February 2019 Term, and

CORRECTED ORDER - November 29, 2018

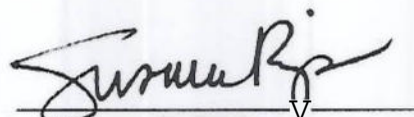
(M-4987)

-2-

November 29, 2018

It is further ordered that defendants-respondents-cross-appellants' time to perfect their cross-appeal, is sua sponte enlarged to the **April** 2019 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 November 29, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick,
Marcy L. Kahn,
Jeffrey K. Oing, Justices.

-----X
Sedona Resorts International, Ltd.,
Plaintiff,

-against-

M-3287
Index No. 654114/15

Belmont Management Company, Ltd.,
et al.,
Defendants.

Ackerman LLP,
Non-Party Movant.

-----X

A purported appeal having been taken by non-party movant from the denial, on or about June 25, 2018, by a Justice of the Supreme Court, New York County, of its application for a temporary restraining order pending the determination of its motion to withdraw as counsel for defendants Belmont Management Company, Ltd. and Belmont Resorts, Ltd.,

And non-party movant having moved for an order staying all proceedings pending the hearing and determination of the aforesaid motion to withdraw as counsel, and in a handwritten amendment, for leave to appeal from the denial of its request for a temporary restraining order,

Now, upon reading and filing the papers with respect to the motion, deemed a motion pursuant to CPLR 5704(a), and upon the consent to change attorneys filed in the Supreme Court, New York County, on or about July 21, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is dismissed as academic. The interim relief granted by a Justice of this Court on June 29, 2018 is hereby vacated.

ENTERED:


CLERK

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

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

-against-

M-5163
Ind. No. 5073/14

Gabriel Urena,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2016, and said appeal having been perfected,

And defendant-appellant, pro se, having moved for an enlargement of time in which to file a pro se supplemental brief,

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 adjourning the perfected appeal to the April 2019 Term, and defendant-appellant is directed to file his supplemental brief on or before January 28, 2019, for that Term.

ENTERED:


CLERK

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

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Intercontinental Construction
Contracting, Inc.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4525
of the Civil Practice Law and Rules, Index No. 101419/15

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 14, 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 March 2019 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 November 29, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer
Anil C. Singh, Justices.

-----X
The People of the State of New York
ex rel. Sarah Legler, Esq. on behalf
of Lanijah McCoy,
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New York
City Department of Correction,
Respondent-Respondent.

M-4974
Index No. 451852/18
Ind. No. 2300/18
SCID No. 30116/18

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2018, which denied and dismissed petitioner's application for a writ of habeas corpus,

And petitioner having moved for an order (i) releasing her on her own recognizance, or changing the form of bond to an unsecured bond, or granting a bail reduction, (ii) expediting the aforesaid appeal, (iii) granting leave to prosecute the appeal as a poor person, and (iv) assigning appellate counsel,

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 expediting the appeal by directing counsel to perfect said appeal on or before January 28, 2019, for the April 2019 Term, and it is further

Ordered that so much of the motion requesting poor person relief 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for petitioner for purposes of the appeal. The motion is otherwise denied.

ENTERED:


CLERK

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

Present - Hon. John W. Sweeny Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Ellen Gesmer
Anil C. Singh, Justices.

-----x
Siras Partners LLC, Saif Sumaida, and
Ashwin Verma,
Plaintiffs-Respondents

-against-

M-4984
Index No. 650868/15

Activity Kuafu Hudson Yards LLC,
462-470 11th Avenue LLC, Shang Dai,
Zengliang "Denis" Shan, and Qiling Yuan,
Defendants-Appellants,

Action No. 1

Daniel Dwyer and Dai Associates, P.C.,
Defendants,

Reedrock Kuafu Development Company LLC,
Siras Kuafu LP, Athena Kuafu LP, Siras
Kuafu Land Holdings LLC, and
Bifrost Land LLC,
Nominal-Defendants,

- - - - -

462-470 11th Avenue, LLC,
Plaintiff-Appellant,

M-5014
Index No. 850216/15

-against-

Bifrost Land LLC, et al.,
Defendants-Respondents.

Action No. 2

-----x

Separate appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 16, 2018 (in Action No. 1) and on or about March 19, 2018 (in Action No. 2),

And defendants-appellants in Action No. 1 (M-4984) and plaintiff-appellant in Action No. 2 (M-5014) having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of consolidating the appeals in Action No. 1 and Action No. 2 and permitting appellants to prosecute the consolidated appeals upon an original, five hard copies and, if represented by counsel, one digital copy of one record, and one set of points covering the consolidated appeals, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

It is further ordered, upon the Court's own motion, that the time to perfect the consolidated appeals is enlarged to the April 2019 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 November 29, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,
 Judith J. Gische
 Barbara R. Kapnick
 Ellen Gesmer
 Peter H. Moulton, Justices.

-----X
SCPA 2102(5) Petition of Charles Reich,
Preliminary Executor of the Estate of
Lilian Reich, for an Advance Payment of
a Portion of Lillian Reich's Elective
Share of the Estate of

M-5106X
File No. 2016-2996/A

Seymour Reich,

Deceased.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about July 18, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 23, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

CORRECTED ORDER – November 29, 2018

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

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Peter Tom, Justices.

-----X

Orly Genger, in her individual capacity and on behalf of the Orly Genger 1993 Trust (both in its individual capacity and on behalf of D & K Limited Partnership),
Plaintiff-Respondent-Appellant,

CONFIDENTIAL
M-4824
M-4705
Index No. 109749/09

-against-

Dalia Genger, Sagi Genger, Leah Fang, D & K GP LLC and TPR Investment Associates, Inc.,
Defendants-Appellants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 17, 2017 and on or about September 12, 2016,

And plaintiff having moved for a further enlargement of time to perfect its appeal taken from the aforesaid order entered on or about March 17, 2017 (M-4824),

And defendants having moved for a further enlargement of time to perfect their appeal taken from the aforesaid order entered on or about September 12, 2016 (M-4705),

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

CORRECTED ORDER – November 29, 2018

(M-4824/M-4705)

-2-

November 29, 2018

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals to the **April** 2019 Term. If so perfected, the Clerk of the Court is directed to calendar the appeals to be heard together, on the same date in the **April** 2019 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 November 29, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Peter Tom, Justices.

-----X
Francis Nemeth, individually and
as the personal representative of
the Estate of Florence Nemeth,
Plaintiff-Respondent,

-against-

M-4905
Index No. 190138/14

Brenntag North America, as a
successor-in-interest to Mineral
Pigment Solutions, Inc. as a
successor-in-interest to
Whittaker, Clark & Daniels,
Inc., et al.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about August 22, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term, with leave to seek further enlargements, if necessary.

ENTERED:


CLERK

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

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Dynamic-Hakim, LLC and Brad Zackson,

Plaintiffs-Respondents,

JBLTZ Holdings, LLC, individually and as their interests appear derivatively, for and on behalf of, PMG QPP Holdings, LLC and KH QPP Holdings, LLC,

Plaintiffs-Respondents,

M-5016

Index No. 651765/17

-against-

Kevin Maloney, KM QPP Equity, LLC and Property Markets Group, Inc.,

Defendants-Appellants,

Franklin R. Kaiman, Ned White and Zachary Daniels,

Defendants,

QPP Venture, LLC, QPP Mezz, LLC and Queens Plaza Park Development, LLC,

Nominal Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2018,

And plaintiffs-respondents having moved for an order dismissing the aforesaid appeal, or, in the alternative, directing defendants-appellants to supplement the record on appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated October 8, 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 November 29, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Jose Ortiz,
Plaintiff-Respondent,

-against-

M-5074
Index No. 301456/16

Joel J. Turney, LLC and Joel J. Turney,
Defendants-Appellants.

-----X

Defendants-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 January 16, 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 motion, deemed only to vacate the dismissal of defendants-appellants' appeal, is granted and the time to perfect the appeal is enlarged to the March 2019 Term (see, 22 NYCRR 1250.10).

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 November 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

M-4545

Ind. No. 2238/17

Neil R. Phillips,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2018,

And defendant-appellant, pro se, having moved for permission to proceed, pro se, on the appeal,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on September 11, 2018, advising him of the consequences of proceeding pro se, and defendant having responded thereto on September 20, 2018; and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of granting defendant permission to proceed, pro se, on the aforesaid appeal, and deeming the pro se brief and appendix filed October 25, 2018, a timely filed pro se brief for the April 2019 Term of this Court.

ENTERED:


CLERK