

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 October 9, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2982  
Ind. No. 419/16

Lawrence Ferdinand,  
Defendant-Appellant.

-----X

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

(M-2982)

-2-

October 9, 2018

Justine M. Luongo, Esq., The Legal Aid Society, 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: October 9, 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 October 9, 2018

Present - Hon. John W. Sweeny, Jr. Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Peter H. Moulton Justices.

-----X  
Tishman Technologies Corporation,  
Plaintiff,

BPAC Mechanical Corp., also known as  
THE BPAC Group Inc.,  
Plaintiff-Respondent,

**M-3059**  
Index No. 155013/15

-against-

Travelers Indemnity Company of America,  
Defendant-Appellant,

Adria Infrastructure LLC Tertiary, Inc.,  
Defendant.

-----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 May 15, 2018 (Appeal Nos. 5947-5947A),

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: October 9, 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 October 9, 2018.

Present - Hon. John W. Sweeny Jr.,                   Justice Presiding,  
                  Judith J. Gische  
                  Angela M. Mazzarelli  
                  Troy K. Webber,                                 Justices.

-----X  
Annette Marrero,

Plaintiff-Appellant

-against-

**M-4526**

Index No. 101781/12

The City of New York, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 8, 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 February 2019 Term.

ENTERED: October 9, 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 October 9, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X  
Thomas Kehoe, Jr. and Patricia Kehoe,  
Plaintiffs-Appellants-Respondents,

-against-

M-4107  
M-4574

Index No. 153920/13

61 Broadway Owner LLC, Broad Street  
Development LLC and Heyman Properties LLC,  
Defendants-Respondents-Appellants.

-----X

61 Broadway Owner LLC, Broad Street  
Development LLC and Heyman Properties LLC,  
Third-Party  
Plaintiffs-Respondents-Appellants,

-against-

P.S. Marcato Elevator Company INC. and  
CEMD Elevator Corp. d/b/a City Elevator  
Company,  
Third-Party Defendants-Respondents.

-----x

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2018,

And plaintiffs-appellants-respondents Thomas Kehoe, Jr. and Patricia Kehoe having moved (M-4107), and defendants/third-party plaintiffs-respondents-appellants 61 Broadway Owner LLC, et al., (M-4574), having cross-moved for an enlargement of time to perfect their respective appeal and cross-appeal taken from the aforesaid order,

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

It is ordered that the motion and cross-motion are granted to the extent of enlarging the time to perfect the appeals to the February 2019 Term.

ENTERED: October 9, 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 October 9, 2018

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
The City of New York,  
Plaintiff-Respondent,

-against- **M-3861**  
Index No. 450129/16

Tri-Rail Construction, Inc., et al.,  
Defendants-Appellants.  
-----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 July 3, 2018 (Appeal No. 7040),

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: October 9, 2018

  
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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 October 9, 2018.

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

-----x  
Ricky Zegelstein, M.D. Custom  
Anesthesia Services, P.C., et al.,  
Plaintiffs-Appellants,

-against-

M-3758  
M-4196  
Index No. 651198/14

Michael J. Faust, M.D., Michael  
Krumholz, M.D., Jed Kaminetsky, M.D.,  
Alan Raymond, M.D., Haroon Chaudry,  
M.D., and Vcare LLC, doing business as  
M.D. Manage, Inc.,  
Defendants-Respondents.

-----x  
An appeal having been taken to this Court by plaintiffs from the order of the Supreme Court, New York County, entered on or about June 12, 2017, and said appeal having been perfected,

And defendant-respondent Michael Krumholz, M.D. having moved for an order dismissing the appeal upon the grounds that plaintiffs are not aggrieved by the order appealed, that plaintiffs perfected the appeal upon an incomplete record, and for an award of sanctions (M-3758),

And plaintiffs-appellants having moved for the imposition of sanctions against defendant-respondent Michael Krumholz, M.D. for making a frivolous motion (M-4196),

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

The appeal, sua sponte, is adjourned to the January 2019 Term, and the interim stay granted by the order of a Justice of this Court, dated August 1, 2008, is vacated, and it is further,



Ordered that defendant's motion to dismiss the appeal is granted unless plaintiffs file a supplemental record reproducing, in its entirety, the record before this Court on Appeal No. 2714, decided by this Court on January 10, 2017, on or before November 6, 2018 for the January 2019 Term (M-3758). Plaintiff-appellant's motion is denied (M-4196).

ENTERED: October 9, 2018

  
CLERK



(M-3702)

-2-

October 9, 2018

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

ENTERED: October 9, 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 October 9, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Marta Hapij and Adam Hapij,

Plaintiffs-Respondents,

-against-

**M-4461**

Index No. 156076/15

Colossal Media Inc., and  
Nikolas G. Kontos,

Defendants-Appellants,

-and-

Consolidated Edison Company of  
New York, Inc.,

Defendant.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 11, 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 February 2019 Term.

ENTERED: October 9, 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 October 9, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
  
Appellant,

-against-

**M-4575**  
Ind. No. 6138/11

Thein Stewart,

Defendant-Respondent.

-----X

The People having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 4, 2017,

And defendant-respondent having opposed the motion and requested that the appeal be dismissed,

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 February 2019 Term.

ENTERED: October 9, 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 October 9, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
David Hirsch,

Plaintiff-Respondent

-against-

**M-4392**  
Index No. 159117/13

Nicolas Solares,  
Defendant,

-and-

Hill Country New York, LLC, d/b/a  
Hill Country Barbeque Market, and  
Hill Country New York Catering  
Company, LLC,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about March 5, 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. The Clerk is directed to maintain the appeal on this Court's calendar for October 24, 2018.

ENTERED: October 9, 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 October 9, 2018.

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

-----X

ELJM Consulting, LLC,

Plaintiff-Respondent-Appellant,

-against-

**M-4130X**

Index No. 652431/17

Santoni S.p.A.,

Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 29, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 13, 2018, and due deliberation having been had thereon,

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

ENTERED: October 9, 2018

  
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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 October 9, 2018

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

-----X  
Mary Owens, Individually, and as Parent  
and Legal Guardian of William Joseph  
Owens, a Mentally Retarded Person,  
-Plaintiffs-Appellants,

-against-

**M-4136**  
Index No. 7502/07

Federation Employment and Guidance  
Service, Inc. and Fegs Blier  
Intermediate Care Facility,  
-Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 20, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 16, 2018, and due deliberation having been had thereon,

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

ENTER:

  
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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 October 9, 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 Petition of  
Liesa Larman Reznick as Administrator  
of the Estate of Charles Saltz,  
Deceased,

**M-4204**  
File No. 4525/07

To compel delivery of property withheld.

-----X

Liesa Larman Reznick,  
Petitioner-Respondent,

-against-

Micheal M. Freeman,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about October 6, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated August 16, 2018, and due deliberation having been had thereon,

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

ENTERED: October 9, 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 October 9, 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,  
Ex Rel. Arthur Mendola,  
on behalf of Christopher Saintil,  
Petitioner-Appellant

-against-

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

**M-4207**  
Index No. 450174/18

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 9, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 2018, and due deliberation having been had thereon,

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

ENTERED: October 9, 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 October 9, 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-4003

Ind. No.964/17

Nino Vargas

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 November 6, 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: October 9, 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 October 9, 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-4004  
Ind. No. 1336/15

Lavale Wright

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 November 30, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, 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.

(M-4004)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4005

Ind. No. 3669/17

Elvery Santos

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 December 1, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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



(M-4005)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4006  
Ind. No.1476/17

Abraham Cruz

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 October 16, 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.

(M-4006)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4008

Ind. No. 402/17

Lech Michel

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 October 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.

(M-4008)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-

Brendan Doherty

Defendant-Appellant.

-----X

M-4009

Ind. Nos.4497/15  
27/16

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 October 5, 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.

(M-4009)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-

**Confidential**  
M-4010  
Ind. No.1069/16

Jeremiah Dantzler

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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: October 9, 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 October 9, 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-4011  
Ind. Nos. 135/13  
                  1129/16

Michael Pittman

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 October 4, 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.

(M-4011)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK



(M-4012)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK



(M-4013)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK





(M-4014)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK



(M-4015)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4016

Ind. No. 3509/16

Gwendolyn Jordan

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 September 27, 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.

(M-4016)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4017

Ind. No. 3613/17

Douglas Johnson

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 October 24, 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.

(M-4017)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK





(M-4018)

-2-

October 9, 2018

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: October 9, 2018

  
CLERK



(M-4019)

-2-

October 9, 2018

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: October 9, 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 October 9, 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-4087  
Ind. No. 2694/00

Gonzalo Aguilar

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 25, 2002, 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.

(M-4087)

-2-

October 9, 2018

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 180 days from the date of receipt of the complete record.

ENTERED: October 9, 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 October 9, 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-4128**

Ind. No. 154/16

Tarik Shirer

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on December 20, 2017, 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 December 20, 2017,

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.

(M-4128)

-2-

October 9, 2018

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 180 days from the date of filing of the complete record.

ENTERED: October 9, 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 October 9, 2018

Present - Hon. Rolando 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-4140

Ind. Nos. 1335/11  
3389/16

Tommy Davis

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on January 9, 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 November 15, 2017,

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.



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: October 9, 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 October 9, 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-4194**  
Ind. No. 321/16

-against-

Roman Ocha,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated August 7, 2018, and due deliberation having been had thereon,

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

ENTERED: October 9, 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 October 9, 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-

Theodore Simpson,  
Defendant-Appellant.

M-565  
M-3032  
Ind. No. 603/96

-----X

A decision and order of this Court having been entered on June 21, 2001 (Appeal No. 4580), unanimously affirming a judgment of the Supreme Court, Bronx County (Daniel Fitzgerald, J.), rendered on November 30, 1998,

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 (M-565),

And defendant-appellant having moved, by separate notice of motion, to "recuse and/or remove" the Office of the Bronx District Attorney from answering any future filings under Bronx County Ind. No. 603/96, (M-3032),

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

It is ordered that the motions are denied.

ENTERED: October 9, 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 October 9, 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-990  
Ind. No. 1080/98

Michael Wilson,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 23, 2001 (Appeal No. 3019), unanimously affirming a judgment of the Supreme Court, Bronx County (Robert Straus, J.), rendered on January 22, 1999,

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 October 9, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

Jeffrey White,  
Plaintiff-Respondent,

-against-

31-01 Steinway, LLC, et al.,  
Defendants,

M-3410  
M-3482  
M-3538

Express, LLC, et al.,  
Defendants-Respondents,

Index No. 156151/13

Russco, Inc.,  
Defendant-Appellant.

- - - - -  
[And a Third-Party Action]

-----X

Defendant-respondent John F. Ruggles, Jr. Inc., doing business as Ruggles Sign Company, 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 June 12, 2018 (Appeal No. 6607)[M-3410],

And defendant-appellant Russco, Inc. having moved for clarification or in the alternative, reargument, deemed to be a motion for reargument, of the decision and order of this Court, entered on June 12, 2018 [M-3482],

And defendant-respondent Express, LLC having separately moved for reargument or, in the alternative, leave to appeal to the Court of Appeals, from the aforesaid decision and order of this Court [M-3538],

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

It is ordered that defendants-respondents Ruggles Sign Company's and Express, LLC's motions for reargument or for leave to appeal to the Court of Appeals are denied [M-3410/M-3538]. Defendant-appellant Russco, Inc.'s motion for reargument is granted and, upon reargument, the decision and order of this Court, entered on June 12, 2018 (Appeal No. 6607) is recalled and vacated and a new decision and order substituted therefor (see Appeal No. 6607, decided simultaneously herewith)[M-3482].

ENTERED: October 9, 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 October 9, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny Jr.  
Barbara R. Kapnick  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

Brothers PAC Four, LLC, a  
California Limited Liability Company,

Plaintiff-Respondent,

-against-

**M-3883**  
Index No. 152864/07

War Entertainment, LLC, a New York  
Limited Liability Company;  
Wayne Demilia, an individual,

Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about July 24, 2018, pending the hearing and determination of the appeal taken from said judgment,

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 staying enforcement of the judgment on condition the appeal is perfected for the January 2019 Term.

ENTERED: October 9, 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 October 9, 2018.

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

-----X  
PF2 Securities Evaluations, Inc.,

Plaintiff-Appellant,

-against-

Guillaume Fillebeen and Level 3  
Consultants, LLC,

Defendants-Respondents.

**M-4080**  
Index No. 151776/14

-----  
Guillaume Fillebeen and Level 3  
Consultants, LLC,

Counterclaim Plaintiffs-Respondents,

-against-

PF2 Securities Evaluations, Inc.,  
Gene Phillips and  
Robin Phillips,

Counterclaim-Defendants-Appellants.

-----X

Plaintiff-appellant and Counterclaim-defendants-appellants having moved for a stay of certain discovery pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about April 18, 2018,

(M-4080)

-2-

October 9, 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.

ENTERED: October 9, 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 October 9, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

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

Plaintiff-Respondent,

M-4169  
Index No. 653140/15

-against-

DLJ Mortgage Capital, Inc.,  
Defendant,

Ameriquest Mortgage Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 3, 2018,

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

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

Ordered that the motion is granted on condition that the appeal is perfected for the January 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 October 9, 2018.

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

-----X  
Cypress Group Holdings, Inc.,  
Plaintiff-Respondent,

-against-

Onex Corporation et al.,  
Defendants-Appellants.

M-3740  
M-3744  
Index No. 653408/15

-----X

Defendants-appellants having moved for clarification, deemed a motion for reargument, of the decision and order of this Court, entered on June 28, 2018 (Appeal No. 7020) [M-3740],

And plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the aforementioned decision and order of this Court, entered on June 28, 2018 (Appeal No. 7020) [M-3744],

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

It is ordered that the motion by defendants-appellants for reargument is granted and, upon reargument, the decision and order of this Court entered on June 28, 2018 is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 7020 decided simultaneously herewith.) The motion is otherwise denied [M-3740]. The motion by plaintiff-respondent is denied in its entirety [M-3744].

ENTERED: October 9, 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 October 9, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

Jean N. also known as John N.,  
Defendant-Appellant.

**CONFIDENTIAL**

M-3598

Ind. Nos. 25928c/10  
25929c/10

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 20, 2015,

And defendant-appellant having moved, through assigned counsel, for an order summarily reversing the aforementioned order or, in the alternative, remitting the matter to Supreme Court, Bronx County, for a reconstruction hearing,

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 this case to the Supreme Court, Bronx County, for a reconstruction hearing, and is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 9, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,  
Respondent,

**SEALED**

M-3826

-against-

Ind. No. 2596/12

Juan V.,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 5, 2015 (M-6314) 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 June 19, 2014, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq. Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or, in the alternative, dismissing the appeal without prejudice,

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, and is otherwise denied.

ENTERED: October 9, 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 October 9, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X  
In the Matter of the Application of  
Ramon Salcedo,  
Petitioner-Appellant,

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

-against-

M-3882  
Index No. 101473/17

New York City Department of  
Finance Parking Violations  
Adjudication Division,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about June 15, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied and, sua sponte, the appeal is dismissed.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 9, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x  
In the Matter of a Family Offense  
Proceeding Pursuant to Article 8  
of the Family Court Act.

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Cristian C.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-4023  
Docket No. O-25068-16

-against-

Elena T.  
Respondent-Respondent.

-----x

An appeal having been taken to this Court by petitioner-appellant from the Order of Dismissal of the Family Court, Bronx County, entered on or about June 11, 2018,

And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, for the assignment of 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that petitioner-appellant has no funds or assets with which to prosecute the appeal.

ENTERED: October 9, 2018

  
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-----X

Levitt & Kaizer,  
Plaintiff-Respondent,

-against-

M-4081  
Index No. 104127/09

Wayne Charles,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a Supplemental Decision and Order of the Supreme Court, New York County, entered on or about June 6, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is denied.

ENTERED: October 9, 2018

  
CLERK