

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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4235
Ind. No. 3234/16

Juan Barreto,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from judgment of the Supreme Court, New York County, rendered on or about February 21, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4236
Ind. No. 234/17

Candelario Murillo-Lopez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4238

Ind. No. 405/17

Cassandra C. Carter,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from judgement of the Supreme Court, New York County, rendered on or about October 4, 2017,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-4241

Ind. No. 4985/15

Kevion Hill,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 20, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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-4241)

-2-

October 23, 2018

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 October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Appellant,

-against-

M-4245
Ind. No. 693/15

Markis Drummond,
Defendant-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County rendered on or about May 5, 2016 and defendant-appellant having moved for an enlargement of the record on appeal to include minutes of the adjourn dates between defendant's plea and sentencing proceedings,

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-4246
SCI No. 3664/14

Tiena Perez,
Defendant-Appellant.

-----X

Defendant-appellant, having moved for an order enlarging of the record on appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 20, 2015,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, Bronx County, to furnish a copy of the transcribed minutes of the adjourn dates between defendant's plea and sentence to appellant's counsel within 60 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk, and the individual court reporters, within 14 days from the date of entry hereof, and is otherwise denied as unnecessary.

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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-4310

SCI No. 3269N/15

Ruddy Sano-Rodriguez,

Defendant-Appellant.

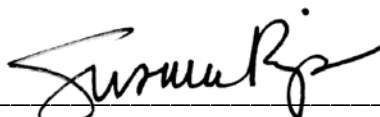
-----X

An order of this Court having been entered on May 4, 2017 (M-1768) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2016, and assigning Rosemary Herbert, 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, 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 appeal withdrawn and is otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Judith J. Gishe, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4118

Ind. No. 281/15

Rommel Albergottie,

Defendant-Appellant.

-----X

Defendant having moved, pro se, for leave to prosecute, as a poor person and for an extension of time to file an untimely notice, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and file 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-4118)

-2-

October 23, 2018

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 October 23, 2018.

Present - Hon. Judith J. Gishe, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

William Thomas,

Defendant-Appellant.

-----X

Confidential

M-4143

Ind. No. 3357/09

An order of this Court having been entered on May 15, 2018 (M-1442), granting defendant leave to prosecute, as a poor person, the appeal from a SORA Order of the Supreme Court, Bronx County (Bruce, J.), rendered on or about August 29, 2017, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Justin M. Luongo, Esq., The Legal Aid Society, 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 The Legal Aid Society, 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 filing 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 October 23, 2018.

Present - Hon. Judith J. Gishe, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4153

Ind. No. 3361/15

Dale Weston,

Defendant-Appellant.

-----X

Defendant having moved, pro se, for leave to prosecute, as a poor person and an extension of time to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 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 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, 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-4153)

-2-

October 23, 2018

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 October 23, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Kendell Jenkins,

Plaintiff-Appellant,

M-3366

New York County Clerk
Index No. 570653/17
New York Civil Court
Index No. 3051/14

-against-

Houman Sarshar, Ferdos Capital, LLC.,
Uzi Evron, 146 West Realty, LLC.,

Defendants-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal, as a poor person, to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on January 18, 2018,

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

It is ordered that leave to appeal from the Appellate Term order entered on January 18, 2018 is denied. That branch of the motion which seeks poor person relief is denied as moot.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

Skiboky Shavar Stora,

Plaintiff-Appellant,

-against-

M-4033

Index No. 107715/06

City of New York, et al.,

Defendants-Respondents.

-----X

Volunteers of America-Greater
New York, Inc.,

Third Party-Plaintiff,

-against-

FJC Security Services, Inc.,

Third Party-Defendant-Respondent.

-----X

Defendant-third party-defendant having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about September 26, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed unless the appeal is perfected for the January 2019 Term.

ENTERED: October 23, 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 23, 2018.

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

-----X

HSBC Bank U.S. N.A., as Trustee of
JPMorgan Mortgage Trust 2007-A2,
Plaintiff-Appellant-Respondent,

M-4550
Index No. 850191/15

-against-

Lee Moncho, Karen Moncho,
Defendants-Respondents,

Joseph Traina, Mario Traina,
Defendants-Respondents-Appellants,

-and-

Board of Managers of The 80 Park Avenue
Condominium, on behalf of the Unit
Owners, et al.,
Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 20, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 11, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

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

-----X
LPS Baxter Holding Company LLC,
Plaintiff-Respondent,

-against-

M-4551X
Index No. 652954/16

Victor Salerno,
Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 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 October 23, 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 Application for
Approval of an Instrument Concerning

Zavion O.,

A Child Subject of a Foster Care
Placement Proceeding under Social
Services Law § 358-a.

- - - - - M-4906
Administration for Children's Services, Docket No. L-2512/17
Petitioner-Respondent,

Donna O.,
Respondent.

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

-----X
Respondent-respondent mother Donna O. having moved for leave to respond, as a poor person, to the appeal from the order of the interlocutory order of the Family Court, New York County, entered on or about July 29, 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, Claibourne Henry, Esq., Center for Family Representation, 40 Worth Street, Suite #605, New York, NY 10013, Telephone No. 212-691-0950, 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 attorney for the child-appellant and an original and five hard copies and, if represented by counsel, one digital copy thereof are filed with this Court pursuant to 22 NYCRR 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 October 23, 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-4183

Ind. No. 735/17

Raymond Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 20, 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 file 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 October 23, 2018.

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

-----X

The People of the State of New York,
Respondent,

Confidential

M-4419

-against-

Ind. No. 3512/11

Israel Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about August 10, 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 file 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 have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 October 23, 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-1429
Ind. No. 7180/96

Antonio Mallet,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on September 12, 2000 (Appeal No. 2574), unanimously affirming a judgment of the Supreme Court, Bronx County (Lawrence Tonetti, J.), rendered on September 23, 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 23, 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-3639
Ind. No. 2801/03

Delroy Pitterson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 8, 2007 (Appeal No. 1912), unanimously affirming a judgment of the Supreme Court, Bronx County (Judith Lieb, J.), rendered on May 25, 2005,

And defendant-appellant, pro se, 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 23, 2018,

Present - Hon. Rolando Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X

Arthur E. Rondeau,
Plaintiff-Appellant,

-against-

M-2828

Index No. 654181/15

Marc Berman, et al.,
Defendants-Respondents.

-----X

Plaintiff having moved for reargument of the decision and order of this Court, entered on May 3, 2018 (Appeal No. 6461),

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 23, 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 23, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-4058
Ind. No. 964/16

Francisco Nolasco,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 15, 2016, for leave to prosecute the appeal as a poor person on the original record and upon 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 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 23, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 John W. Sweeny Jr.
 Troy K. Webber
 Marcy L. Kahn
 Jeffrey K. Oing, Justices.

-----X

Patrick Lynch, etc., et al.,
Plaintiffs-Respondents,

M-3854

Index No. 157286/15

-against-

The City of New York, et al.,
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 28, 2018 (Appeal No. 6995),

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 October 23, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3140
Ind. Nos. 3582/04
848/05

Sean Lopes,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on May 8, 2018 (Appeal No. 5993-93A), and for other relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

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

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

-against-

M-4316
Ind. No. 3380/16

Patrick Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 7, 2017, for leave to have the appeal heard on the original record and upon 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101, and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, the terms of defendant's retainer agreement with trial counsel, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 23, 2018.

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

-----X
Yoram Finkelstein,
Plaintiff-Appellant,

CONFIDENTIAL
M-2801
Index No. 309125/13

-against-

Bat-El Yishay Finkelstein,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 11, 2017,

And plaintiff-appellant having moved for, inter alia, an order staying the execution of the Judgment of Divorce pending hearing and determination of said appeal,

And a subsequent decision and order of this Court entered on June 5, 2018 (Appeal No. 5820N) having rendered plaintiff-appellant's instant motion for a stay, as moot,

Now, upon reading and filing the correspondence from plaintiff-appellant's counsel dated July 2, 2018, and due deliberation having been had thereon,

It is ordered that the instant motion to stay the judgment of divorce (M-2801) 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 October 23, 2018.

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

-----x
William Adagio, et al.,

Plaintiffs-Respondents,

-against-

M-4827

M-4871

Index No. 150273/13

New York State Urban Development Corporation, et al.,
Defendants-Respondents,

Racanelli Construction Company, Inc.,
Defendant-Appellant/Respondent.

- - - - -

United States Roofing Corporation,
Third-Party Plaintiff,

-against-

Index No. 595336/14

Total Safety Consulting, LLC,
Third-Party Defendant-Appellant.

- - - - -

[And another action]

-----x

An appeal having been taken to this Court by defendant-appellant Racanelli Construction Company, Inc., from the order of the Supreme Court, New York County, entered on or about October 24, 2017,

And an appeal having been taken to this Court by third-party defendant-appellant Total Safety Consulting, LLC from the order of the Supreme Court, New York County entered on or about September 12, 2018,

And defendant-appellant Racanelli Construction Company, Inc. (M-4871) and third-party defendant-appellant Total Safety Consulting, LLC (M-4871) having separately moved for a stay of trial pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motions are denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

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

-----X
Bernstein Liebhard LLP,
Plaintiff-Respondent,

M-3732
Index No. 652726/15

-against-

Sentinel Insurance Company, Limited,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 28, 2018 (Appeal No. 7012),

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 October 23, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
In the Matter of the Application of

The Home of Sages of Israel, Inc., M-3643
(Beth Tomche Torah Vezikneh Yisroel) M-4449
also known as Beth Tomche Torah Index No. 153111/15
Vezikneh Yisroel, Inc., and also
known as Home of the Sages of Israel,
Petitioner-Appellant/Respondent,

For Leave to Sell Real Property.

- - - - -
On the Way to Brooklyn, LLC,
Intervenor-Appellant,

Louis Atlas, Samuel Block, et al.,
Intervenors-Respondents.

-----x

Appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 17, 2017, and said direct appeal having been perfected,

And petitioner-appellant, The Home of Sages of Israel, Inc., by the 2012 Board of Trustees, having moved for an enlargement of time to perfect their appeal (M-3643),

And petitioner-respondent, the Home Sages of Israel, Inc., by the 2016 Board of Trustees, having cross-moved to dismiss petitioner-appellant's appeal (M-4449),

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 (M-3643) is granted to the extent of enlarging the time for petitioner-appellant, The Home of Sages of Israel, Inc., by the 2012 Board of Trustees, to perfect their appeal for the February 2019 Term. Sua sponte, the appeal taken by intervenor-appellant is adjourned to said February 2019 Term, and the Clerk is directed to calendar both appeals for hearing together in said Term. The cross motion (M-4449) to dismiss the appeal taken by The Home of Sages of Israel, Inc., by the 2016 Board of Trustees, is denied, without prejudice to raising it's arguments in the respondent's brief.

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 23, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

Anthony S.,
Petitioner-Respondent,

-against-

Monique T. B.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-4670

Docket No. F-06820/14

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 30, 2018, and said appeal having been perfected and calendared for the November 2018 Term of this Court,

And respondent-appellant having moved for a calendar preference for said Term and to deny petitioner-respondent an adjournment of time to file his respondent's brief, if sought,

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 maintaining the appeal on this Court's calendar for the November 2018 Term, and otherwise denied as academic, respondent's brief having been timely filed.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----x

Eric Jones,

Plaintiff-Appellant,

-against-

M-4021

Index No. 21019/13

3417 Broadway LLC.,
Subway Restaurant,
Subway Real Estate Corp., and
Subway Real Estate II, LLC., a/k/a
Subway Real Estate, LLC.,

Defendants-Respondents,

Best of Midtown Food Inc. and
Consolidated Edison Co. of New York,
Inc.,

Defendants.

-----x

An appeal having been taken by plaintiff-appellant from an order of the Supreme Court, Bronx County (Lizbeth Gonzalez, J.) entered on or about May 30, 2018,

And plaintiff-appellant, having moved, for leave to include an appendix to the appellant's 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 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 23, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

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

-against-

M-4034

Ind. No. 3560/15

Saul Olavarria,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 1, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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 October 23, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
Joanne Corazza, as Administratrix for
the Estate of George Cooney,
Plaintiff-Respondent,

M-4077
Index No. 190028/14

-against-

Amchem Products, Inc., et al.,
Defendants,

-and-

Caterpillar, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County (Martin Shulman, J.) entered October 12, 2017,

And plaintiff-respondent having moved for an order striking defendant-appellant's appendix and dismissing the appeal or, in the alternative, adjourning the appeal to the December 2018 Term,

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

It is ordered that the branch of plaintiff's motion seeking to strike defendant-appellant's appendix and to dismiss the appeal is denied, without prejudice to plaintiff-respondent filing a supplemental appendix, within 10 days of the date of entry of this order, with costs to abide the appeal. The branch of plaintiff's motion seeking an adjournment of the appeal to the December 2018 term is deemed withdrawn pursuant to the correspondence from plaintiff's counsel dated October 4, 2018, without prejudice to renew should plaintiff elect to file a supplemental appendix.

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 23, 2018.

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

-----X
In the Matter of

Demi Jacqueline G.,
and William G.,

Children Under the Age of 18 Years,
Alleged to be the children of,

CONFIDENTIAL
M-4278
Docket Nos. P-16355-57/15
F-166357/15

Ebony W.,
Petitioner-Respondent,

William G.,
Respondent-Appellant.

June Callwood, Esq.,
Attorney for the Child.

-----X
An appeal having been taken from an order of the Family Court, New York County, entered on or about July 26, 2016,

And, an amended order of this Court having been entered on May 1, 2018 (M-4247A), striking the designation of Israel P. Inyama, Esq., as assigned counsel for respondent-appellant and substituting Andrew J. Baer, Esq., as counsel for the purposes of prosecuting the aforesaid appeal,

And assigned counsel having moved to be relieved as 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 and Andrew J. Baer is relieved as counsel, 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 23, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzaelli
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

William Pendergast,
Plaintiff-Appellant-Respondent,

-against-

Mutual Redevelopment Houses, Inc.,
Defendant-Respondent,

-and-

RC Dolner LLC,
Defendant-Respondent-Appellant.

- - - - -

Mutual Redevelopment Houses, Inc.,
Third-Party Plaintiff,

-against-

M-4684
Index No. 157554/12

Zurich American Insurance Company,
Third-Party Defendant.

- - - - -

RC Dolner LLC,
Second Third-Party Plaintiff-
Appellant-Respondent,

-against-

Miller Mechanical Systems LLC,
Second Third-Party Defendant-
Respondent-Appellant.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 31, 2017, and said appeals having been perfected,

And plaintiff-appellant-respondent William Pendergast having moved to stay trial pending hearing and determination 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. The Clerk is directed to maintain the appeal on the November 2018 Term of this Court.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

Present: Hon. John W. Sweeny Jr., Justice Presiding,
Angela M. Mazzarelli
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Ann Jane Cullen,
Petitioner-Respondent,

-against-

M-4698

Index No. 450299/16

PWV Acquisition LLC, et al.,
Defendants-Appellants,

Yorkshire & Lexington Towers, Inc.,
et al.,
Defendants,

Nouveau Elevator Industries, Inc.,
Defendant-Respondent.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 14, 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 October 23, 2018.

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

-----X
Jericho Group, Ltd.,

Plaintiff-Respondent,

M-3200

Index No. 113274/04

-against-

Midtown Development, L.P.,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 22, 2018 (Appeal No. 6639N),

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 October 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----x

In the Matter of a Proceeding for Support Under Article 4 of the Family Court Act.

- - - - -
Carmit D.,
Petitioner-Appellant,

-against-

Gil D.,
Respondent-Respondent.

-----x

CONFIDENTIAL
M-4417
Docket No.
F-36231/12-13/C/D

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about November 21, 2017, and said appeal having been perfected,

And respondent-respondent having moved for an order directing petitioner to file a supplemental record on appeal to include the transcripts of proceedings in Family Court, in this matter that were referred to in the aforesaid order, and the affirmation of Jeffrey Berke dated July 31, 2017, together with the exhibits attached thereto,

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 March 2019 Term. Petitioner-appellant is directed to obtain transcripts of the digital recordings, which are referred to in the Family Court

order, and to file such transcripts in this Court for said March 2019 Term or, in the alternative, to file a sworn statement averring that such recordings are not available for filing. 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 October 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Christopher Giancola,
Plaintiff-Appellant,

Natalia Giancola,
Plaintiff,

M-3374

Index No. 153082/13

-against-

The Yale Club of New York City,
Defendant-Respondent,

-----X

The Yale Club of New York City,
Third Party Plaintiff,

-against-

P.S. Marcato Elevator Co., Inc.,
Third Party Defendant-Respondent.

Scottsdale Insurance Company,
Third Party Defendant.

-----X

Defendant/third-party plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 31, 2018 (Appeal No. 6719),

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 23, 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 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gishe
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4154

Ind. No. 842/17

Dwayne Faulkner,

Defendant-Appellant.

-----X

Defendant having moved, pro se, for leave to prosecute, as a poor person and for an extension of time to file an untimely notice of appeal from a judgment of the Supreme Court, New York County (McGrath, J.), rendered on or about January 2, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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, 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-4154)

-2-

October 23, 2018

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 October 23, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Sushi Tatsu, LLC,
Plaintiff-Respondent,

-against-

M-3628
Index No. 655216/16

Bahram Benaresh, doing business
as Bahram Benaresh Realty,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 26, 2018 (Appeal Nos. 6973-6974),

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 October 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Paul B. Gottbetter, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Crone Kline Rinde, LLP, et al., M-3673
Defendants-Respondents-Appellants. Index No. 652715/15

- - - - -
CKR Law LLP formerly known as Crone Kline Rinde, LLP,
Third-Party Plaintiff-Respondent-Appellant,

-against-

Adam Gottbetter,
Third-Party Defendant,

Venturini & Associates, et al.,
Third-Party Defendants-Respondents.

-----X

Defendants-respondents CKR Law, LLP and Crone Kline Rinde, LLP, having moved for reargument of the decision and order of this Court, entered on June 26, 2018 (Appeal No. 6979-6980),

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 October 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4297
Ind. No. 2551/16

Calvin Spence,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 18, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original and 5 copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to 22 NYCRR 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.

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 October 23, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4311
Ind. No. 2084/12

Benjamin Lanzot,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 2, 2017,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2018.

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

-----X

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

- - - - -

Angel N., also known as Angel L. N.,
Petitioner-Appellant,

-against-

Elizabeth A.,
Respondent-Respondent.

-----X

CONFIDENTIAL

M-4498

Docket Nos. V-24225-07/15B

V-26039-09/15B

V-26040-09/15B

Respondent-respondent, pro se, having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about January 15, 2016, said appeal treated as one from an order of the same Court and referee entered on or about October 28, 2015, 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, Lewis D. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. (718) 883-1560, 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 the child-appellant and an original and five hard copies and, if represented by counsel, one digital copy thereof, be filed with this Court pursuant to 22 NYCRR 1250.9.

(M-4498)

-2-

October 23, 2018

Sua sponte, the perfected appeal is adjourned to 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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----x
In the Matter of

Matthew C.,
Xavier C.,
Mia L., and
Cecily J.,

CONFIDENTIAL
M-4173
Docket Nos.
NN-17182-85/15

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

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

Joshua L.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Children.

-----x

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 7, 2017, and said appeal having been perfected,

And counsel for the subject children, Randall Carmel, Esq., having moved for an order modifying the order of assignment of this Court entered August 9, 2018 (M-3301) to retain him as appellate counsel solely for the child, Cecily J., and to substitute other counsel for the children Matthew C., Xavier C., and Mia L., to respond to the 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 striking the designation of assigned counsel Randall Carmel, Esq., as counsel for the children Matthew C., Xavier C., and Mia L., and substituting, pursuant to Section 722 of the County Law, Jo Ann Douglas, 170 Second Avenue, New York, New York 10003, Telephone No. 212-673-2895, as counsel to the children Matthew C. and Xavier C., and Aleza Ross, 31 Oak Street, Suite #26, Patchogue, New York 11772, Telephone No. 631-361-6900, as counsel to the child Mila L., to respond to the appeal. The assignment of Randall Carmel, Esq., as attorney for the child Cecily J., shall continue. Sua sponte, the appeal is adjourned to the February 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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3889

Ind. No. 1690/13

Ana De Los Santos,

Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for dismissal of the appeal taken from judgment of the Supreme Court, New York County, rendered on or about May 20, 2014,

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

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

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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4145

Ind. No. 4935/15

Eric Conners,

Defendant-Appellant.

-----X

Counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 23, 2016, without prejudice to reinstatement at such time appellant again 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 October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing Justices.

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

-against-

Michael Downey,
Defendant-Appellant.

Confidential

M-4166

Ind. No. 4458/93

-----X

Defendant-appellant's counsel having moved for an order discontinuing the appeal taken from the order of the Supreme Court, New York County, rendered on or about July 3, 2014, as moot by reason of appellant's death,

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 discontinuing the appeal due to appellant's death and striking the appeal from the calendar.

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 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-4181
Ind. No. 1641/17

Abdoulie Ceesay,
Defendant-Appellant.

-----X

Counsel for defendant having moved for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 22, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and file 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-4181)

-2-

October 23, 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:


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 23, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Alberto Polanco,
Defendant-Appellant.

M-4216
Ind. Nos. 8650/00
5431/03

-----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 12, 2017,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

CORRECTED ORDER - October 26, 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 October 23, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices,

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

-against-

Dwight Perry,
Defendant-Appellant.

M-4217
Ind. Nos. 2713/15
233C/15

-----X

Defendant having moved for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, **New York** County, rendered on or about February 2, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, transcripts of the calendar calls, hearing, motions, jury selection and grand jury minutes and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, transcripts of the calendar calls, hearing, motions and jury selection and 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 application for grand jury minutes is denied.

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.

CORRECTED ORDER - October 26, 2018

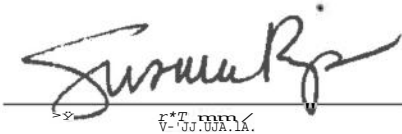
(M-4217)

-2-

October 23, 2018

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:



U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 23, 2018.

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

-----X

Alyson Shatsky,
Plaintiff-Respondent,

-against-

M-5001
Index No. 162531/15

Highpoint Associates V, LLC, Keystone Management, Inc. and Maximillion Café Corporation, doing business as Bagels & More,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 15, 2018, and said appeal having been perfected,

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

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

Respondent, M-4504
Ind. No. 4399/10

-against-

CERTIFICATE GRANTING
LEAVE TO APPEAL TO
THE COURT OF APPEALS

Rayheame Hill,

Defendant-Appellant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein*, questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named respondent to appeal to the Court of Appeals.


Justice of the Appellate Division

Dated: October 11, '2018
New York, New York

ENTERED: **OCT 23 2018**

*Description of Order:

Supreme Court, Bronx County, entered on March 13, 2014
App. Div., First Dept., Appeal No. 3833, Affd on August 1, 2017.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 Of the Court of Appeals Rules.

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

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-4633
Ind. No. 5745/07

-against-

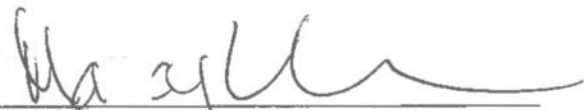
CERTIFICATE
GRANTING LEAVE

Marvin Holmes,
Defendant-Appellant.

-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Hon. Mark Dwyer), entered on or about August 15, 2018.¹

Dated: October 11, 2018
New York, New York



Hon. Marcy Kahn
Associate Justice

Entered

OCT 23 2018

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

1In the event defendant has an existing (direct) appeal from a judgment or order, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment or order shall be extended to cover the appeals so consolidated.