

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 December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Bruno Akakpo,

Plaintiff-Appellant,

-against-

M-8038
Index No. 24181/16

Sea Foods Express, LLC, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 16, 2019,

Now, upon reading and filing the correspondence from the attorney for plaintiff-appellant dated November 26, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Pahyttene C.,

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

CONFIDENTIAL

M-8332
Docket Nos. NN-41201/13
B-46553/16

- - - - -
Commissioner of the Administration
for Children's Services of the
City of New York,
Petitioner-Appellant,

Arkia B.,
Respondent-Respondent.

-----X

Appeals having been taken to this Court from orders of the Family Court, New York County, entered on or about September 9, 2019 and September 11, 2019,

Now, upon reading and filing the correspondence from counsel for petitioner-appellant, dated November 18, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Xiodong Lin,

Plaintiff-Respondent,

-against-

CONFIDENTIAL

M-8367

Index No. 350252/07

David McGhee,

Defendant-Appellant.
-----X

The attorney for the subject child having moved to strike the appeal taken from the order of the Supreme Court, New York County, entered on or about July 30, 2018, and for other relief,

Now, upon reading and filing the Stipulation of the Parties dated November 21, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 December 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Genious Thomas,

Plaintiff-Appellant,

M-8390

Index No. 305213/15

-against-

The City of New York, et al.,

Defendants-Respondents.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 25, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated November 21, 2019, 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 December 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Mirta Roman,

Plaintiff-Respondent,

-against-

M-8400X
Index No. 300816/17

Nelson Snack Delights Distribution,
Inc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 1, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 21, 2019, 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 December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Itzel A.
Jaidi A.
Madelin A.

Children Under 18 Years of Age Alleged **CONFIDENTIAL**
to be Neglected/Abused Under M-8130
Article 10 of the Family Court Act. Docket Nos. NA-33178-80/17
- - - - -
Administration for Children's Services,
Petitioner-Respondent,

-against-

Jose V. also known as Osiel V.,
Respondent-Appellant,
- - - - -

Janet E. Sabel, Esq., The Legal Aid
Society, Attorney for the Children.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about October 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Frances P. Ferraro, Esq., dated November 7, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew J. Baer, Esq., 299

Broadway, Suite 1415, New York, New York, 10007 Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Jadiel M.

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

CONFIDENTIAL

M-8381

Docket No. NN-4748-17

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

-against-

Naqwaun B.,
Respondent-Appellant,

Leticia M.,
Respondent-Respondent.

- - - - -
Janet E. Sabel, Esq., The Legal Aid Society, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about October 25, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of David Goldstein, Esq., dated November 23, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall S. Carmel, Esq.,

410 Jericho Turnpike - Suite 302, Jericho, New York, 11753
Telephone No. 603-313-1951, as counsel for purposes of
prosecuting the appeal; (2) directing the Clerk of said Family
Court to have transcribed the minutes of the proceedings held
therein, for inclusion in the record on appeal, the cost thereof
to be charged against the City of New York from funds available
therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of
this order upon the Clerk;** (3) permitting appellant to dispense
with any fee for the transfer of the record from the Family Court
to this Court. **The Clerk of the Family Court shall transfer the
record upon receipt of this order;** and (4) appellant is directed
to perfect this appeal, in compliance with Section 1250.9 of the
Practice Rules of the Appellate Division, **within 60 days** of the
filing of the transcripts. **Assigned counsel is directed to
immediately serve a copy of this order upon the Clerk of the
Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Lizbeth Gonzalez, Justices.

-----x

Olivia Ross, an Infant, by her Mother
and Natural Guardian, Victoria Ross,

Plaintiff-Appellant,

M-8181

Index No. 805116/14

-against-

Marilyn Morris, M.D., et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 6, 2018,

And defendants-respondents having moved, pursuant to CPLR 8501(a) and CPLR 8503, to compel plaintiff to post a bond as security against costs,

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, without prejudice to defendants-respondents seeking the relief in Supreme 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 December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----x
Mary Currid, et al.,

Plaintiffs-Appellants,

-against-

M-7896
Index No. 156424/16

Patricia M. Valea,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 25, 2019, and said appeal having been perfected,

And plaintiffs having moved for leave to appeal from the aforesaid order, and to stay enforcement thereof, pending the hearing and determination of 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, to the extent it seeks leave to appeal to this Court, is denied as unnecessary, the order being appealable as of right. The branch of the motion seeking to stay the enforcement of the order, pending the hearing and determination of the appeal, is granted pursuant to the stipulation of the parties dated November 26, 2019.

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 December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----x
Fordgate West Resources LP, et al.,

Plaintiffs-Appellants,

-against-

M-8360
Index No. 651850/18

Ari Mark Bernstein, et al.,

Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 13, 2019,

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 extending the time to perfect the appeal to the May 2020 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 December 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X

Christopher Favaloro,
Plaintiff-Respondent-Appellant,

-against-

M-8370
M-8430
Index No. 101119/12

Port Authority of New York and New Jersey,
Defendant-Appellant-Respondent,

Guardian Service Industries, Inc.
Defendant.

Turner Construction Co., Two World
Trade Center, LLC,
Defendants-Respondents-Appellants,

Granite Construction Northeast, Inc.,
Defendant,

Halmar International,
Defendant-Respondent-Appellant,

-and-

Granite-Halmar Construction Company,
Inc.,
Defendant.

-----X

Guardian Service Industries, Inc.,
Third-Party Plaintiff,

-against-

Moretrench American Corp,
Third-Party Defendant.

-----X

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

And defendant-appellant-respondent, Port Authority of New York and New Jersey, and defendant/third-party-plaintiff-respondent Guardian Service Industries, Inc., having moved for an order: striking Point 1(c) of the Brief of the defendants-respondents-appellants Turner Construction Co., Two World Trade Center, LLC and Halmar International; or, in the alternative, granting an enlargement of the record on appeal, (M-8370),

And plaintiff-respondent-appellant, Christopher Favaloro, having cross-moved for the same relief and an order adjourning the appeal to either the May 2020 Term of this Court, or to a Term subsequent to the date the instant motion and cross motion are decided, (M-8430)

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 (M-8370) and cross motion (M-8430) are granted to the extent of striking Point 1(c) of the Halmar defendants' Brief on appeal. The appeal is adjourned to the May 2020 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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

In the Matter of

Nathan G. C.

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

CONFIDENTIAL

M-8302

Docket No. NA-31336-19

- - - - -
Commissioner of the Administration for
Children's Services of the City of
New York,

Petitioner-Appellant,

-against-

Janeiry C.,

Cesar G.,

Respondents-Respondents,

- - - - -
Janet E. Sabel, Esq., The Legal Aid
Society, Attorney for the Subject Child.

-----X

An appeal having been taken to this Court from an order of the Family Court, Bronx County, entered on or about October 30, 2019, which denied petitioner-appellant's application for removal of the subject child and directed that the child be temporarily released to the care of respondents-respondents,

And petitioner-appellant having moved for an order (i) vacating the aforementioned order of the Family Court, Bronx County, entered on or about October 30, 2019, thereby staying the implementation thereof, and (ii) removing the subject child from the care of the respondents pursuant to FCA § 1027,

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

(M-8302)

-2-

December 19, 2019

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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Jose A. Lopez,
Plaintiff-Appellant,

-against-

M-7971
Index No. 150213/16

CRP Uptown Portfolio II LLC and 2108
Deli Grocery, Inc.,
Defendants-Respondents.

-----x

CRP Uptown Portfolio II LLC,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 595326/18

Yuen Fa Realty, Inc.
Third-Party Defendant-Appellant,

2108 Deli Grocery Inc.,
Third-Party Defendant.

-----x

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 22, 2019, which, inter alia, denied third-party defendant-appellant, Yuen Fa Realty, Inc.'s, motion to dismiss the third-party complaint, and from an order, same Court and Justice, entered on or about May 3, 2019, which dismissed plaintiff's complaint,

And third-party defendant-appellant Yuen Fa Realty, Inc. having moved, for an order: (1) determining it to be an aggrieved party for purposes of continuing its appeal; and (2) for an extension of time to perfect its appeal to the April 2020 Term of this Court; 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, and sua sponte, third-party defendant-appellant's appeal is dismissed, without prejudice. Plaintiff Jose A. Lopez's appeal remains extant.

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 December 19, 2019.

Present - Hon. David Friedman,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern,

Justice Presiding,

Justices.

-----X
Efrain Lopez,
Plaintiff-Appellant,

-against-

M-7995
Index No. 303820/13

Lefrak Organization, Peru Leasing LP,
and GMJC Construction Corporation,
Defendants-Respondents.

-----X
Peru Leasing LP,
Third-Party Plaintiff-Respondent,

-against-

Index No. 83972/13

GMJC Construction Corp.,
Third-Party Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 25, 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 extending the time to perfect the appeal to the May 2020 Term, with leave to seek a further extension, if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. David Friedman,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern,

Justice Presiding,

Justices.

-----x
In the Matter of a Proceeding for
Support under Article 4 of the
Family Court Act.

Marsha V.,

Petitioner-Respondent,

CONFIDENTIAL
M-8044
Docket No. F-24305/17

-against-

Garfield V.,

Respondent-Appellant.

-----x
Respondent-appellant having moved for an extension of time to perfect the appeals taken from the orders of the Family Court, Bronx County, entered on or about September 21, 2018 and March 7, 2019,

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 time to perfect the appeals is extended to the April 2020 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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Ruben Elberg, etc., et al.,
Plaintiffs-Appellants,

-against-

Crabapple Corp., et al., M-7992
Defendants-Respondents, Index No. 653373/16

-and-

Royal One Real Estate, LLC, et al.,
Nominal Defendants.

-----x

Plaintiffs-appellants having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 5, 2018 and, upon vacatur, for an extension of time to perfect said appeal,

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

It is ordered that the motion is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the May 2020 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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

Willie Joyner,

Defendant-Appellant.
-----X

M-8043
Ind. Nos. 2597/17
3656/18
3856/18

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 5, 2019,

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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Marina Getts, individually and on behalf of all other persons similarly situated who were employed by Premier Home Health Care Services, Inc.,
Plaintiff-Respondent,

M-8060
Index No. 155081/16

-against-

Premier Home Health Care Services, Inc.,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 2, 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 extending the time to perfect the appeal to the June 2020 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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

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

Delvis P.,
Petitioner-Respondent,

CONFIDENTIAL

M-8213
Docket No. V-589/17

-against-

Raven J.,
Respondent-Appellant.

-----X

Respondent-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 October 16, 2019, 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 denied, with leave to renew, upon submission of an affidavit, pursuant to CPLR 1101 and 22 NYCRR 1250.4 (d)(1), setting forth respondent-appellant's indigency, including a list of her income, expenses and assets.

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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-8250
Ind. Nos. 1974/18
3910/16

Renata A. Lisek,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 18, 2019 (M-1936), inter alia, granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 18, 2018, under Indictment No. 1974/18, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order or assignment to include the judgment, same Court, also rendered on or about October 18, 2018 under Indictment No. 3910/16, and deeming the moving papers as a timely filed notice of appeal from the judgment under Indictment No. 3910/16,

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

It is ordered that said motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal from the judgment under Indictment No. 3910/16; and amending the order of assignment entered on June 18, 2018 to include the judgment rendered under Indictment No. 3910/16, and extending the poor

(M-8250)

-2-

December 19, 2019

person relief previously granted to cover same. The appellant's time in which to perfect the appeals is extended until 120 days from the date of this order, or from the receipt of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Robyn Gorman,

Plaintiff-Appellant,

-against-

Albert Gorman,

Defendant-Respondent.
-----x

CONFIDENTIAL

M-8289

Index No. 312525/10

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about March 11, 2019,

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 extending the time to perfect the appeal to the April 2020 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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

D.L.,
Plaintiff-Respondent,

-against-

K.M.,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-8301

Index No. 3130/06

Defendant-appellant having moved for a further extension of time to perfect the appeal taken from the Decision After Parental Access Hearing of the Supreme Court, Bronx County, entered on or about July 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 extending the time to perfect the appeal to the May 2020 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 December 19, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Troy K. Webber
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Locke E. McMurray,
Plaintiff-Respondent,

-against-

Jialan McMurray, also known as
Jennifer McMurray,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-7966

Index No. 303577/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 28, 2019,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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 (i) the appeal is perfected for the April 2020 Term, (ii) defendant-appellant refrains from violating the provisions of a certain July 12, 2014 agreement, and (iii) defendant-appellant posts an undertaking within ten days of the date of this order in the sum of \$50,000.

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 December 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Anil C. Singh
Peter H. Moulton, Justices.

-----x
The Law Office of Mark S. Helweil and
Mark S. Helweil.,
Plaintiffs-Respondents,

-against-

M-8225
Index No. 159060/18

Andrea Karambelas,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from an order and a judgment of the Supreme Court, New York County, entered on or about August 1, 2019 and August 23, 2019, respectively,

And defendant-appellant having moved for a stay of enforcement of the judgment, pending hearing and determination of the appeal taken therefrom,

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 December 19, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Troy K. Webber
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
John Regan,
Petitioner-Respondent,

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

M-8368
Index No. 104117/10

-against-

New York City Department of Buildings,
et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for a further extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 24, 2013, and to continue the stay pending appeal extended by order of this Court on April 4, 2019 (M-511),

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

It is ordered that the motion, deemed to include a request to vacate the dismissal of the appeal pursuant to 22 NYCRR 1250.10(c), is granted, the appeal reinstated and the time to perfect same is enlarged to the May 2020 Term. The aforesaid stay is continued on the condition that the appeal is perfected for said May 2020 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 December 19, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

Marie Napoli,
Plaintiff-Appellant,

M-7710

M-7858

-against-

Index No. 161367/15

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

- - - - -

Marie Kaiser Napoli,
Plaintiff-Respondent-Appellant,

-against-

Index No. 161423/15

Marc Jay Bern, et al.,
Defendants-Appellants-Respondents.

-----X

Plaintiff-appellant 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 August 27, 2019 (Appeal Nos. 9407-9408)[M-7710],

And defendants-respondents having cross-moved for the imposition of attorneys fees and costs for frivolous conduct pursuant to 22 NYCRR 130-1.1 and 1250.1(h)[M-7858],

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

It is ordered that the motion and cross motion 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 December 19, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Marie Napoli,
Plaintiff-Appellant,

-against-

M-7727
Index No. 161367/15

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

- - - - -

Marie Kaiser Napoli,
Plaintiff-Respondent-Appellant,

-against-

Index No. 161423/15

Marc Jay Bern, et al.,
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on August 27, 2019 (Appeal Nos. 9407-9408),

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 December 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Jeffrey K. Oing
Anil C. Singh
Lizbeth Gonzalez, Justices.

-----X
Tatiana Brunetti, etc., et al.,
Plaintiffs-Appellants,

-against-

Dmitry Sergeev, etc., et al.,
Defendants-Respondents,

M-8246
Index No. 653855/15

-and-

Ginza Holding LLC,
Necessary Party Defendant.

- - - - -
[And a third-party action.]

-----X

Plaintiffs-appellants having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 16, 2018, or 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, deemed one to vacate the dismissal of appeal (22 NYCRR 1250.10[c]), is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the May 2020 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 December 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Jeffrey K. Oing
Anil C. Singh
Lizbeth Gonzalez, Justices.

-----X
David Demurjian and Richard Demurjian,
as Heirs-at-Law of Robert Demurjian,
Plaintiffs-Appellants,

-against-

M-8304
Index No. 154345/15

Michael Demurjian, Michael Demurjian as
Executor of the Estate of Joan Demurjian,
Defendants-Appellants,

187 Street Mazal Manager LLC,
Defendant-Respondent,

-against-

187 Street Mazal Manager LLC,
Additional Plaintiff on Cross Claim
-Respondent,

661 West 187 Street LLC,
Additional Defendant on
Cross-Claims-Appellant.

-----X

Plaintiffs-appellants and defendants-appellants having jointly moved for an enlargement of time to perfect their respective appeals taken from the order of the Supreme Court, New York County, entered on or about January 28, 2019,

Now, upon reading and filing the papers with respect to the motion, and the Stipulation of the parties, dated November 13, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of extending the time to perfect the appeals to the May 2020 Term

of this Court, and the stay pending appeal granted by an order of this Court, entered April 23, 2019 (M-1058), is hereby continued on condition that the appellants perfect their appeals for the May 2020 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 December 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Jeffrey K. Oing
Lizbeth Gonzalez, Justices.

-----X
Kathryn Casey, et al.,
Plaintiffs-Respondents,

-against-

M-8303
Index No. 111723/11

Pamela Renna, Vittina Degrezia,
also known as Vittina Luppino,
Intervenor-Plaintiffs-Respondents,

-against-

Whitehouse Estates, Inc., Koepfel &
Koepfel, Inc., Duell 5 Management
LLC, doing business as Duell
Management Systems, William W.
Koepfel and Eastgate Whitehouse
Estates, LLC,
Defendants.

-----X
Whitehouse Estates, Inc., Eastgate
Whitehouse LLC and William W. Koepfel,
Third-Party Plaintiffs-Respondents,

Third-Party
Index No. 595472/17

-against-

Roberta L. Koepfel, et al.,
Third-Party Defendants-Appellants.

-----X

Third-party defendants-appellants 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 28, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2020 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 December 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Peter H. Moulton, Justices.

-----x
Frances Grant, As Administratrix of
the Estate of Lloyd Grant, and
Frances Grant, Individually,
Plaintiff-Respondent,

-against-

M-7832
Index No. 26373/18E

United Odd Fellow and Rebekah Home,
Inc., doing business as Rebekah
Rehab & Extended Care Center,
Defendant-Appellant.
-----x

Appeals having been taken to this Court by defendants from orders of the Supreme Court, Bronx County, entered on or about March 25, 2019 and July 9, 2019,

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal from the order entered on or about March 25, 2019 and, upon vacatur, for an extension of time to perfect 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, the dismissal vacated, the appeal from the order entered on or about March 25, 2019 reinstated, and the time to perfect said appeal is extended to the May 2020 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 December 19, 2019.

Present - Hon. Dianne T. Renwick,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber,

Justice Presiding,

Justices.

-----X
In the Matter of the Commitment of

Michael Jayvon H., also known as
Michael J. H., also known as
Michael H.,
Kyahh Latrease McK., also known as
Kyahh L. McK., also known as
Kyahh McK.,
Treyvon Travis McK., also known as
Treyvon T. McK., also known as
Trevon McK.,
Carter Lee H., also known as
Carter L. H.,
Shyleak McK. and Afrail Mck,

Children Under the Age of 18 Years
Pursuant to Section 384-b(4)(b) and (d)
of the Social Services Law of the
State of New York.

CONFIDENTIAL

M-8469

Docket Nos. B-13523/16
B-531/15
B-534/15
B-533/15
B-532/15
B-530/15

- - - - -
Saint Dominic's Family Services, etc.,
Petitioner-Respondent,

Johnesha H., also known as Janeesha H.,
Respondent-Appellant.

- - - - -
Helen Bernstein, Esq., Attorney for
the Child Michael Jayvon H.,
- - - - -

Bruce A. Young, Esq., Attorney for
the Child Kyahh Latrease McK.,
- - - - -

Andrew Baer, Esq., Attorney for the
Child Carter Lee McK.
- - - - -

Randall S. Carmel, Esq. Attorney for
the Child Shyleak McK.,
- - - - -

Steven Forbes, Esq.
Attorney for the Child Afrail McK.,
-----X

An appeal having been taken to this Court from the resettled orders of the Family Court, Bronx County, entered on or about February 27, 2018,

And the National Association of Counsel for Children and Lawyers For Children, Inc., having moved for leave to file a brief *amici curiae* in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the copies of the *amici curiae* brief submitted to this Court with the moving papers are deemed 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 December 19, 2019.

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

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

- - - - -
Dyani Iris O.,
Petitioner-Respondent,

CONFIDENTIAL

-against-

M-8042
Docket Nos. V-4391-17/17B
V-4391-17/17A

Roberto R.,
Respondent-Appellant.

- - - - -
Andrew J. Baer, Esq., Attorney
for the Subject Appellant-Child.

-----X
Appeals having been taken from an order of the Family Court, New York County, entered on or about January 31, 2019,

And counsel for the subject child having moved on the child's behalf: (1) to dismiss respondent-appellant father's appeal; (2) to withdraw child-appellant's appeal; and (3) to be relieved as counsel for child-appellant,

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 in all respects.

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 December 19, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Naji Nassar,
Plaintiff-Respondent,

-against-

M-8063
Index No. 161207/14

Macy's Inc. and Structure Tone, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings in this action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 4, 2019; 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 granted, and all proceedings in Supreme Court are to be stayed pending hearing and determination of the within 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 December 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

In the Matter of
Wayne Salton,
Petitioner-Appellant,

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

M-8227
Index No. 100908/19

-against-

Sergeant Jordan S. Mazur (Records Access
Appeal Officer),
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 17, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel and 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 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 attorney for respondent 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

(M-8227)

-2-

December 19, 2019

of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. 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 December 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----x

Ness Technologies S.A.R.L., et al.,
Plaintiffs-Respondents,

-against-

M-8234
Index No. 657241/17

Pactera Technology International
Limited,
Defendant-Appellant,

-and-

John Does 1-10, inclusive,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 3, 2019, and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Karen Stephen,
Petitioner-Appellant,

-against-

M-8237
Index No. 100699/18

New York State Division of Human
Rights, et al.,
Respondent-Respondent.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 20, 2018,

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

It is ordered that the motion, deemed one to vacate the dismissal of appeal (22 NYCRR 1250.10[c]), is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the May 2020 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 December 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Cynthia S. Kern
Lizbeth Gonzalez, Justices.

-----x
Alceu Antimo Vezozzo Filho, et al.,

Plaintiffs-Appellants,

-against-

M-8366
Index No. 651935/18

Raquel Moura Borges, et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 26, 2019, and said appeal having been perfected,

And counsel for defendants-respondents having moved to withdraw as counsel, and to adjourn 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 denied, with leave to renew upon proof of service upon defendants-respondents by regular mail at their last known address, after diligent inquiry as to same. The appeal is adjourned to the April 2020 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 December 19, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Ellen Gesmer,
Cynthia S. Kern
Lizbeth Gonzalez, Justices.

-----X
Jason Schwalbe,
Plaintiff-Respondent,

-against-

M-8374
Index No. 651072/18

Natan Bar-Chama,
Defendant-Appellant.

-----X

Appeals having been taken to this Court from an order and a judgment of the Supreme Court, New York County, entered on or about September 29, 2019 and October 28, 2019, respectively,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order and judgment; and for vacatur of all enforcement proceedings, including the Levy and Execution of the New York City Marshal, which has frozen certain monies in defendant-appellant's Citibank account,

And an interim order having been issued by a Justice of this Court on November 19, 2019, directing that the status quo as to the monies frozen at Citibank is to be maintained pending resolution of the within motion,

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 extending the interim relief granted by an order of a Justice of

(M-8374)

-2-

December 19, 2019

this Court on November 19, 2019, pending the hearing and determination of the instant appeal, on condition that the appeal is perfected for the April 2020 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 December 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

Booston LLC,
Plaintiff-Appellant,

-against-

35 West Realty Co., LLC,
Defendant-Respondent.

M-8258
M-8409
Index No. 654308/19

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 12, 2019,

And an order of this Court having been entered on October 31, 2019 (M-7394), continuing, pending hearing and determination of the appeal, the interim stay enjoining any lease termination or eviction, granted by the order of a Justice of this Court, dated September 19, 2019, upon the same terms and conditions set forth therein, and on the additional conditions that plaintiff-appellant maintains the existing \$1 million bond and perfects the appeal for the March 2020 Term,

And plaintiff-appellant having moved for an order clarifying this Court's order entered October 31, 2019, and amending said order to strike any requirement of an appeal bond (M-8258),

And defendant-respondent having cross moved for an order modifying this Court's order entered October 31, 2019, to direct plaintiff-appellant to post the \$1 million bond within seven days from the date of the order deciding the instant motion (M-8409),

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

It is ordered that plaintiff-appellant's motion (M-8258) for an order clarifying this Court's order entered October 31, 2019, and amending said order to strike any requirement of an appeal bond, is denied,

And it is further ordered that the cross motion (M-8409) is granted to the extent that plaintiff-appellant is directed to post the \$1 million bond within ten (10) working days of the date of entry of this order.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----x

Lam Platt Street Hotel LLC,
Plaintiff-Appellant,

M-7426
Index No. 650981/17

-against-

Golden Pearl Construction LLC, et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 29, 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 extending the time to perfect the appeal to the May 2020 Term, with leave to seek further extensions.

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 December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzairelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X
K.R., infant by her Mother and Natural Guardian, Theresa Roam and Theresa Roam, Individually,
Plaintiffs-Appellants,

-against-

M-7683
Index No. 805042/14

George P. Roussis, M.D., Joseph Trentacosta, M.D., deceased, by the Administrator of his Estate, EWA Kirpan-Trentacosta, Interboro OB/GYN Associates, P.C., Francisca Velcek, M.D., and Staten Island University Hospital,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved to consolidate the appeals taken from an order of the Supreme Court, New York County, entered on or about April 9, 2019, and from two judgments of the same court, both entered on or about August 26, 2019, and for an extension of time to perfect the consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and the Stipulation of the parties hereto, dated October 28, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed one seeking to vacate the dismissal of the appeal taken from the order entered on or about April 9, 2019 and, as such, is granted, the appeal reinstated, and the time to perfect said appeal is extended to the April 2020 Term of this Court (see, 22 NYCRR 1250.10[c]), and

It is further ordered that that branch of the motion seeking an extension of time to perfect the appeals taken from the two judgments entered on or about August 26, 2019 is granted and the time to perfect the appeals from said judgments is extended to the April 2020 Term, and

It is further ordered that the appeals from the order entered April 9, 2019 and judgments entered August 26, 2019 are deemed withdrawn only as to defendant-respondent, Francisca Velcek, M.D., in accordance with the aforesaid stipulation dated October 28, 2019. That branch of the motion seeking to consolidate the appeals is denied as unnecessary [22 NYCRR 1250.9(f)(3)].

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 December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-7840
Ind. No. 2066/17

Wilson Lugo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 22, 2019, 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 granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency and facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and a list of his property with its value.

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 December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-7845

Ind. Nos. 2753/14
3302/15

Julio Sanchez,

Defendant-Appellant.
-----X

An order of this Court having been entered on November 9, 2017 (M-4092) 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 March 22, 2016, under Indictment No. 2753/14 and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal, and an order of this Court having been entered on January 23, 2018 (M-6232) amending the prior order of assignment to include the appeal from the judgment, same Court, also rendered on or about March 22, 2016, under Indictment No. 3302/15; and a motion having been made to relieve assigned 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 Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued,

(M-7845)

-2-

December 19, 2019

and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh Justices.
Peter H. Moulton,

-----x
Dual Commercial, LLC,
Petitioner-Appellant,

-against-

M-8002
Index No. 654385/18

Starr Indemnity & Liability Company,
et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for a further extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 28, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the May 2020 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 December 19, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X

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

- - - - -

Shali D.,
Petitioner-Respondent,

CONFIDENTIAL

M-8075

Docket Nos. V-32196/15
V-32196/15/19A
V-34630/15
V-34630-15/19A

-against-

Victoria V.,
Respondent-Appellant.

- - - - -

Roma Baran, Esq.,
Attorney for the Child Sofia D.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about August 27, 2019,

And Roma Baran, Esq., court attorney for the subject child, having moved on said child's behalf for an order enlarging the record to include the sealed transcript of the *in camera* examination of the subject child by the Family Court, New York County, conducted on June 26, 2019,

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 subject child's attorney is granted leave to enlarge the

(M-8075)

-2-

December 19, 2019

record to include the transcript of the *in camera* examination of the subject child by Family Court, which transcript is to be filed with this Court under Seal.

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 December 19, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Anil C. Singh, Justices.

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In the Matter of

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

CONFIDENTIAL
M-8376
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.

- - - - -
Larry S. Bachner, P.C., Esq., Attorney
for the Child Cecily J.

- - - - -
Jo Ann Douglas, Esq., Attorney for
the Subject Children Matthew C. and
Xavier C.

- - - - -
Aleza Ross, Esq., Attorney for
the Child Mia L.

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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 an order of this Court having been entered on October 23, 2018 (M-4173), inter alia, substituting Jo Ann Douglas, Esq., as counsel for the subject children, Matthew C. and Xavier C.,

And an order of this Court having been entered on September 26, 2019, (M-2793), denying Jo Ann Douglas, Esq.'s application to be relieved as counsel for the subject children with leave to renew, upon proof of service of the moving papers upon the subject children by regular mail at their last known address,

And Jo Ann Douglas, Esq., having renewed her motion to be relieved as counsel for the subject children in compliance with the specific conditions set forth in this Court's September 26, 2019 order, (M-2793),

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 Jo Ann Douglas, Esq., as counsel for the subject children, Matthew C. and Xavier C., and substituting, pursuant to Section 722 of the County Law, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, No. 576, Hastings On Hudson, New York, 10701, Telephone No. 914-439-4843. Sua sponte, the perfected appeal is adjourned to the March 2020 Term.

ENTERED:


CLERK

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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The People of the State of New York,

M-7820
Ind. No. 910/12

-against-

CERTIFICATE
DENYING LEAVE

Luis Suazo,

Defendant.
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I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Thomas Farber, J.), entered on or about October 1, 2019, is hereby denied.


Justice Angela M. Mazzarelli

Dated: December 5, 2019
New York, New York

ENTERED
DEC 10 2019