

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 January 10, 2019.

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

-----X
In the Matter of the Application of
Wayne C. James,
Petitioner-Appellant,

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

-against-

M-5366
Index No. 260295/17

Kathleen King, Counsel New York State
Board of Parole, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, 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 September 25, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that said motion is 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 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 January 10, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Carmen Cano, Catherine Hidalgo,
Mario Ayala and Alexis Cerda,
Plaintiffs-Appellants,

-against-

M-5310
Index No. 310129/11

U-Haul Company of Arizona, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for vacatur of the dismissal of their appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 1, 2017, and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted, the appeal is reinstated, and the time to perfect the appeal is enlarged to the May 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 January 10, 2019.

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

-----X
Greenpoint Mortgage Funding, Inc.,

Plaintiff-Appellant,

-against-

M-5317

Index No. 380597/18

Martino Panzarella, Mortgage
Electronic Registration Systems, Inc.
as Nominee for Greenpoint Mortgage
Funding, Inc., Anthony Panzarella,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 18, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term.

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 January 10, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
556 Driggs Avenue, LLC,
Petitioner,

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

M-5426
Index No. 159157/16

-against-

The City of New York, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 25, 2017,

And petitioner-appellant having moved for a further enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to the May 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 January 10, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

In re Application for a Judgment under Article 78 of the Civil Practice Law and Rules,

Susan Crawford,
Petitioner-Respondent,

-against-

M-5445
Index No. 157002/15

New York City Department of Information Technology Telecommunications,
Respondent-Appellant,

-and-

AT&T Corp., Empire City Subway Company Ltd., Time Warner Cable Inc., and RCN Telecom Services, LLC.,
Intervenors-Respondents-Appellants.

-----X

Appellants having jointly moved for an enlargement of time to perfect their separate appeals taken from orders of the Supreme Court, New York County, entered on or about May 12, 2017 and February 26, 2018,

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals to the May 2019 Term, with no further enlargements to be 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 January 10, 2019.

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

-----X
Noreen E. Ford, as Executrix of
the Estate of Frank M. Gondar, Jr.,
deceased,
Plaintiff-Respondent,

-against-

M-5536
Index No. 190079/15

Burnham LLC,
Defendant-Appellant,

A.O. Smith Water Products Co.,
et al.,
Defendants.

-----X

Defendant-appellant having moved for further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 21, 2017, and from a judgment, same court, entered on or about August 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 enlarging the time to perfect the appeal to the May 2019 Term, with leave to seek further enlargements, if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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

-----x
Greater New York Mutual Insurance Company, as subrogee of Myra Realty LLC, And all other named insureds under policy #1131M79476,

Plaintiff-Respondent,

-against-

Utica First Insurance Company,

Defendant-Appellant.

-----X
Allstate Insurance Company as subrogee of Renee Fleyscher, Glenda M. Vizhnay and William R. Claxton, III and Allstate Indemnity Company as subrogee of Kerry M. Lloyd and John P. Reilly

Plaintiff-Respondent,

-against-

Utica First Insurance Company,

Defendant-Appellant.

-----x

Appeals having been taken to this Court by defendant-appellant, under a consolidated caption, from an order of the Supreme Court New York County, entered on or about July 13, 2017 and from two orders and judgments (one paper) of the same court and justice entered May 9, 2018, respectively,

M-4941

Index No. 156179/14
(Action No. 1)

Index No. 157977/14
(Action No. 2)

And defendant-appellant having moved for consolidation of the three 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 consolidations of the appeals is granted pursuant to 22 NYCRR 1250.9(f)(3) and (4).

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 January 10, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

SEALED

M-5703

-against-

Ind. No. 2586/13

Michael Israel,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 4, 2014 (M-2833), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2014, and assigning counsel therefor,

And defendant-appellant having moved to unseal any sealed portions of the motions and minutes in the record, and to provide them to appellate counsel,

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

It is ordered that said 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 January 10, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Juliette Ayala,

Plaintiff-Appellant,

-against-

M-5189

Index No. 306555/12

James M. Pascarelli and Consolidated
Edison Company of New York, Inc.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 15, 2017,

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

It is ordered that the motion is granted. The Clerk of the Court is directed to maintain this appeal on the calendar for the January 2019 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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

-----X
Cornelius Gilchrist and Rachel
Gilchrist,
Plaintiffs-Respondents,

-against-

Judlau Contracting, Inc., Metropolitan
Transportation Authority, New York
City Transit Authority, City of New York,
Defendants-Appellants.

-----X
Judlau Contracting, Inc., Metropolitan
Transportation Authority, New York
City Transit Authority, City of New York,
Third-Party Plaintiffs-Appellants,

M-5553
Index No. 155695/13

-against-

Brisk Waterproofing Company,
Third-Party Defendant-Appellant,

-and-

Wang Technology, LLC,
Third-Party Defendant-Respondent.

-----X
Judlau Contracting, Inc., Metropolitan
Transportation Authority, New York
City Transit Authority, City of New York,
Second/Third-Party
Plaintiffs-Appellants,

-against-

Liberty Construction Corp.,
Second/Third-Party Defendant-
Respondent.

-----X

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

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Alison M. Drew, Esq., of counsel to appellants, dated October 17, 2018 and due deliberation having been had thereon,

It is ordered that the notice of 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 January 10, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Elycia Sherman,
Plaintiff-Appellant,

-against-

M-5506
Index No. 307462/18

Vincent Paul Sherman,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for a stay of all proceedings arising out of the order of the Supreme Court, New York County, entered on or about October 23, 2018, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Jacqueline P. Itani, Esq., of counsel to plaintiff-appellant, dated November 28, 2018 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 January 10, 2019.

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

Keylein S.,

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

CONFIDENTIAL

M-4302

- - - - -

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

Docket Nos. NN-35088/16

Dyllin S.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 19, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Christine Bruno, Esq., dated June 20, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-883-1560, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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
Kwesi P.,

CONFIDENTIAL

A Person Alleged to be a
Juvenile Delinquent,

M-4358
Docket No. D-05981-18

Respondent-Appellant.

- - - - -

Lewis S. Calderon, Esq.,
Attorney for the Child.

-----X

Shahabuddeen A. Ally, Esq., court attorney for the subject child, having moved on the child's behalf 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 June 19, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Shahabuddeen A. Ally, Esq., dated June 20, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and §1120 of the Family Court Act, (1) Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-883-1560, is assigned 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 State 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Jared D.,
Plaintiff-Respondent,

Confidential
M-5339

-against-

Index No. 300582/15

Roxanne T.,
Defendant-Appellant.

-----X

Defendant-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 September 26, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 plaintiff-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 of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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

-----X

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

Gabriella E.,
Petitioner-Respondent,

-against-

Joe V.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-5349

Docket Nos. V-2820/16
V-3795/16

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about February 7, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, Suite 576, Hastings on Hudson, NY 10701, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney

for each party of the appeal, and an original, five hard copies and, if represented by counsel, one digital copy of such brief, 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 January 10, 2019.

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

-----X

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

- - - - -

Gabriella E.,
Petitioner-Respondent,

-against-

Joe V.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-5350

Docket Nos. V-2820/16
V-3795/16

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about February 7, 2018, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York 10528, Telephone No. 914-215-7221 as counsel for purposes of prosecuting the appeal;

(2) **directing the Clerk of said Supreme Court, Integrated Domestic Violence Part, to have transcribed within 60 days of service of a copy of this order upon said Clerk,** 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 Clerks of the Supreme Court and Family Court shall transfer the record(s) upon receipt of this order** and; (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately subpoena the record from the Supreme Court, Bronx County, Integrated Domestic Violence Court, and to serve a copy of this order upon the Clerk of said Supreme 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 January 10, 2019.

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

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

Cindy F.,
Petitioner-Respondent,

-against-

Confidential
M-5351

Docket Nos. V-20147-12/16A
V-31797-12/16A

Aswad Bomani S.,
Respondent-Appellant.

Ramonita Cordero, Esq.,
Attorney for the Child.

-----X
Respondent-appellant father, 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 September 21, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Ethan Steward, Esq., dated October 3, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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

Elijah T., and
A. Kayla T.,

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

CONFIDENTIAL

M-5352

Docket Nos. NN-30099-17
NN-30100-17

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

Clayton T.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, Bronx County, entered on or about July 11, 2018 and September 13, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Harold Meyerson, Esq., dated October 2, 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 Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, NY 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 receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

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

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

- - - - -
Elizabeth L.,
Petitioner-Respondent,

CONFIDENTIAL

M-5817
Docket No. F-1146-00/18Q

-against-

Kevin O.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about September 20, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Vanessa J. Spears, Esq., dated November 20, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, NY 10006 Telephone No. 917-674-9516, 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 22 NYCRR 1250.9, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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 January 10, 2019.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL
M-5402

-against-

Ind. No. 4398/78

Derrick O'Marra,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Mennin, J.), entered on or about May 14, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mennin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., the Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 January 10, 2019.

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-5760

Ind. No. 3543/17

Alexis Ramos,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 27, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 19, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


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 January 10, 2019.

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-5767

Ind. No. 5315/16

Deshaun Pope,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 11, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 January 10, 2019.

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-5797

Ind. No. 2795/17

Jason Reid,

Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 January 10, 2019.

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-

Romero Pennix,

Defendant-Appellant.
-----X

M-5803
Ind. No. 1673/16

An order of the Supreme Court, Bronx County, having been entered on or about April 24, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about April 24, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


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 January 10, 2019.

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-5812

Ind. No. 3809/16

Romie Knight,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about June 21, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 8, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 January 10, 2019.

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-

Jason Reid,

Defendant-Appellant.
-----X

M-5815

Ind. Nos. 2004/17
2558/15

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Janet E. Sabel, The Legal Aid Society, 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 January 10, 2019.

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-5820

Ind. No. 176/18

James Revell,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about May 16, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 16, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


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 January 10, 2019.

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-

Kevin R.,

Defendant-Appellant.
-----X

SEALED
M-5822

Ind. No. 1637/17

An order of the Supreme Court, Bronx County, having been entered on or about May 15, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 15, 2018,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


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 January 10, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Keith M.,
Petitioner-Respondent,

CONFIDENTIAL
M-5308
Docket No. O-3595/17

-against-

Tiffany Sage S.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about January 16, 2018,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 10, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

Sonja Valenta,
Plaintiff-Appellant,

M-5486
M-5735

-against-

Index No. 152824/14

Spring Street Natural and PMW, Inc.,
Defendants-Respondents.

-----X

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

And plaintiff-appellant having moved for an enlargement of time in which to perfect her appeal, (M-5486),

And defendants-respondents having cross-moved to dismiss the appeal, (M-5735),

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 (M-5486) is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term; and

It is further ordered that the cross motion (M-5735) is granted to the extent that plaintiff's appeal is dismissed unless perfected for the May 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 January 10, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----x
Anthony Smith,
Plaintiff-Appellant,

-against-

M-5494
Index No. 154726/13

City of New York, et al.,
Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 5, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 10, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Younomics Private Student Loan
Trust,
Plaintiff-Respondent,

-against-

Mordechai Flam and Abraham Flam,
Defendants-Appellants.

M-5705
Index No. 101732/12

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from orders of the Supreme Court, New York County, entered on or about November 28, 2016 and September 1, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term.

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 January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Caryn Eschen, et al.,
Plaintiffs-Respondents,

-against-

Luis A. Sierra, et al.,
Defendants-Appellants,

M-4856
Index No. 160589/13

Gregory K. Ison, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 1, 2016,

And defendants-appellants having moved for a stay of all proceedings, including trial, 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 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 January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

-----x
Walsam 316, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-5104
Index No. 153318/17

316 Bowery Realty Corp., et al.,

Defendants-Appellants.
-----x

Defendant-appellant 4-6 Bleecker Street LLC having moved for a stay of the order of the Supreme Court, New York County, entered on or about October 2, 2018, 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 January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Belair & Evans LLP,

Plaintiff-Appellant,

-against-

M-5908
Index No. 654131/15

Peter Foley Rizzo, M.D.,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for a stay of the orders of the Supreme Court, New York County, entered on or about October 25, 2018 and November 14, 2018, 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, and the interim relief granted by the order of a Justice of this Court, dated November 19, 2018, is vacated.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Salans LLP,
Plaintiff-Counterclaim Defendant-
Appellant,

-against-

VBH Luxury, Inc., et al.,
Defendants-Counterclaimants-
Respondents,

M-6216
Index No. 650747/13

-and-

VBH Properties S.R.L., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 13, 2018, and said appeal having been perfected,

And plaintiff having moved for a stay of trial and pre-trial proceedings 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 denied. Sua sponte, it is ordered that the appeal be maintained on this Court's calendar for 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 January 10, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----x
Parlux Fragrances, LLC, etc., et al.,

Plaintiffs-Respondents,

-against-

M-6258
Index No. 650403/16

S. Carter Enterprises, LLC, et al.,

Defendants-Appellants.
-----x

Defendants-appellants having moved for a stay of enforcement of the order of Supreme Court, New York County, entered on or about November 28, 2018, 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 January 10, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Daphne Whidbee,
Petitioner-Appellant,

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

M-5048
Index No. 100683/17

-against-

New York City Housing Authority,
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 April 9, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for a stay of eviction pending 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 is denied in its entirety.

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 January 10, 2019.

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

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

CONFIDENTIAL

Jethro C.,
Petitioner-Appellant,

M-5733
Docket Nos. P-3035-18
P-3044-18
P-3045-18

-against-

Beyonce L.K.-C. and Shawn C.C.,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from three orders of dismissal of the Family Court, New York County, entered on or about March 21, 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 denied as moot, said relief, to the extent warranted, having been granted by an order of this Court entered on November 20, 2018 (M-4676).

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 January 10, 2019.

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

-----X
Wells Fargo Bank, N.A.,
Plaintiff-Respondent,

-against-

M-5315

Index No. 35263/15

Virgilio A. Ogando,
Defendant-Appellant,

Marcelina Mojica, City of New York
Environmental Control Board, City
of New York Department of
Transportation Parking violations
Bureau, Miguelina Perdomoes,
Freddy Perdomoes, Ariadna Perdomoes,
Defendants-Respondents.

-----X

Defendant-appellant having moved pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 10, 2018, and upon vacatur, for an enlargement 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 appeal is reinstated, and the appellant's time to perfect the appeal is enlarged to the May 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 January 10, 2019.

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

-----X
The Public Administrator of
Bronx County, as Administrator of
the Estate of Bernardino
Alvarez-Perez,

Plaintiff-Respondent,

-against-

M-5076

Index No. 300592/09

Louis Perez and
2185 Grand Concourse LLC,

Defendants-Appellants.
-----X

Defendants-appellants having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 11, 2018, and upon vacatur, for an enlargement 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 to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect the appeal to the May 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 January 10, 2019.

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

-----X
OA Holding Company LLC,

Plaintiff-Appellant,

-against-

Weld North Ventures LLC,

Defendant-Respondent.
-----X

M-5287
Index No. 652169/16

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 30, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 10, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Marcy L. Kahn
Anil C. Singh, Justices.

-----x

Kalman Kaspiev,

Plaintiff-Appellant,

-against-

M-5608

Index No. 800008/14

Irina Pankova, M.D., et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 19, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term.

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 January 10, 2019.

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

-----x

In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -

Janos L.,
Petitioner-Appellant,

CONFIDENTIAL

M-6056

M-6139

Docket No. O-30564/16(1)

-against-

Lynne D.,
Respondent-Respondent.

- - - - -

Tennille M. Tatum-Evans, Esq.,
Attorney for the Child.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about March 22, 2017, which dismissed the petition, and said appeal having been perfected,

And Tennille M. Tatum-Evans, Esq., court attorney for the subject child, having moved to withdraw as counsel, and to dismiss the appeal as it relates to the subject child, who has reached the age of majority (M-6056),

And petitioner-appellant having moved for a calendar preference in hearing of the appeal (M-6139),

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 seeking to withdraw as counsel and to dismiss the appeal as it relates to the subject child is denied, without prejudice to renew upon service of the moving papers on the subject child individually (M-6056). Petitioner-appellant's motion for a calendar preference is granted to the extent of directing the Clerk to maintain the appeal on the calendar for the March 2019 Term, to which Term the appeal is adjourned (M-6139).

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 January 10, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Marcy L. Kahn
Anil C. Singh, Justices.

-----x
Robert Jablonski,
Plaintiff-Respondent,

-against-

M-5613
Index No. 154224/14

Archstone Builders, LLC and L&M 825,
LLC,
Defendants-Appellants,

-and-

L&M LLC C.O. Fri.,
Defendant.

-----x

Defendants-appellants having moved for an enlargement of time to perfect their consolidated appeals taken from an order of the Supreme Court, New York County, entered on or about October 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 to the extent of enlarging the time to perfect the aforesaid consolidated appeals to the May 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 January 10, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Antwan M.,
Petitioner-Respondent,

CONFIDENTIAL

M-5675

-against-

Docket No. V-5270-18

Corinne Frances B.,
Respondent-Appellant.

Anna Schissel, Esq.,
Attorney for the Child.

-----X
Respondent-appellant, pro se, having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Family Court, New York County, entered on or about May 7, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the aforesaid consolidated appeals to the May 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 January 10, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Marcy L. Kahn
Anil C. Singh, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

Anecia Samantha H.,
Petitioner-Respondent,

-against-

Grevelle Durmont B.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-5446
Docket Nos. O-311/16
O-12677/16
IDV File No. 2848

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about April 24, 2018,

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

Ordered that the motion is denied, as unnecessary (see order [M-3724] entered October 4, 2018 directing appellant to perfect the appeal within 180 days of receipt of the transcripts).

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 January 10, 2019.

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

-----x
Timothy Reif and David Fraenkel,
as Co-Executors of the Estate of Leon
Fischer and Milos Vavra,
Plaintiffs-Respondents,

-against-

M-5280
Index No. 161799/15

Richard Nagy, Richard Nagy, Ltd.,
etc.,
Defendants-Appellants.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 11, 2018, and said appeal having been perfected,

And plaintiffs-respondents having moved to strike Exhibit A from the October 11, 2008 Jamberdino affirmation in support of a prior stay 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 denied as moot, as the prior motion, vacating the stay, was decided by an order of this Court entered on August 2, 2018 (M-4990).

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 January 10, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Peter Tom
Anil C. Singh, Justices.

-----X
The People of the State of New York,
by Barbara D. Underwood, Attorney
General of the State of New York,
et al.,
Petitioners-Respondents-Appellants,

-against-

M-5900
Index No. 450460/16

Northern Leasing Systems, Inc., et al.,
Respondents-Appellants-Respondents,
Joseph I. Sussman, P.C., et al.,
Respondents/Respondents.
-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 29, 2017, and the appeals having been perfected and calendared,

And the New York Bar Association having moved for leave to appear as amicus curiae and file a brief in connection with the aforesaid appeal and cross 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 five copies of the amicus brief submitted 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 January 10, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Peter Tom
Peter H. Moulton, Justices.

-----X

Olga K.,

Plaintiff-Appellant,

-against-

Pavel K.,

Defendant-Respondent.

-----X

CONFIDENTIAL

M-5131

Index No. 310439/14

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about September 29, 2016 and March 5, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal taken from the order entered on or about March 5, 2018 to the May 2019 Term. The motion is otherwise denied and, sua sponte, the appeal taken from the order entered September 29, 2016, 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 January 10, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Rose A. Heavens,
Petitioner,

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

M-5483
M-5924
Index No. 251184/14

-against-

New York State Office of Children
and Family Services,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about January 11, 2016,

And petitioner having moved for a further enlargement of time to perfect the aforesaid proceeding, and for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief (M-5483),

And respondent having cross-moved to dismiss the aforesaid proceeding (M-5924),

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 is granted to the extent of enlarging the time to perfect the transferred proceeding to the May 2019 Term and is otherwise denied (M-5483). The cross

(M-5483/M-5924)

-2-

January 10, 2019

motion is granted unless the proceeding is perfected for said May 2019 Term (M-5924).

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 January 10, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Chris Henry,

Plaintiff-Appellant,

-against-

Marisa Soto,

Defendant-Respondent.
-----X

CONFIDENTIAL

M-5661

Index No. 302635/09

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 26, 2018,

And plaintiff-appellant, pro se, having moved to vacate all decisions, opinions and judgments of the Supreme Court in this matter after the date of August 30, 2016, 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 January 10, 2019.

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

-----X
Andrew J. Stankevich,
Petitioner-Appellant,

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

-against-

M-5129

Ind. No. 101119/16

The New York City Police Department,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 17, 2018, 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 proof of service of the motion upon Lawrence Byrne, Deputy Commissioner, Legal Matters, New York City Police Department, One Police Plaza, Room 1406, New York, NY 10038, atten. J. Ramond Mechmann III, and upon papers, including copies of petitioner-appellant's Federal and State Tax Returns, for the years 2016 and 2017.

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 January 10, 2019.

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-5305

Ind. No. 3597/15

Marcelino Allende,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on October 18, 2018 (Appeal No. 7219),

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, upon reargument, the decision and order of this Court, entered on October 18, 2018 (Appeal No. 7219), is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 7219, decided simultaneously herewith.)

ENTERED:


CLERK

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-5788
Ind. No. 2344N/11 &
3493N/11


-against-

CERTIFICATE
GRANTING LEAVE

Salvador Fernandez,
Defendant-Appellant.
-----X

I, Rosalyn H. Richter, 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, dated October 18, 2018.¹

Dated: December 18, 2018
New York, New York



Hon. Rosalyn Richter
Associate Justice

Entered JAN 08, 2019

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.

¹ In the event defendant has an existing (direct) appeal from a judgment, 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 shall be extended to cover the appeals so consolidated.