

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 31, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5091

Ind. No. 1450/15

Robert DePalo,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an order unsealing a portion of the trial transcript relating to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 4, 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 unsealing pages 1502 through 1512 of the aforementioned trial transcript.

ENTERED:



DEPUTY 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 31, 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,

-against-

M-5438
Ind. No. 5652/14

Ali Moalawi,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 20, 2018 (M-3461), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 5, 2018, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Christina Swarns, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Lorraine Rachimi,
Plaintiff-Respondent,

-against-

M-5554

M-6155

Index No. 805199/15

Howard L. Sacher, D.O., St. Francis Hospital and Columbia University Medical Center,

Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 15, 2018,

Now, upon reading and filing the correspondence of counsel for defendants-appellants The New York and Presbyterian Hospital, sued herein as, Columbia University Medical Center dated October 25, 2018 (M-5554), and St. Francis Hospital dated November 8, 2018 (M-6155), and due deliberation having been had thereon,

It is ordered that the appeals of defendants The New York and Presbyterian Hospital, sued herein as, Columbia University, and St. Francis Hospital, are withdrawn in accordance with the aforesaid correspondence.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X

Jacob Lichy and Regla Lichy,
Plaintiffs-Appellants,

M-5847

Index No. 110038/09

-against-

The Mount Sinai Medical Center, The
Mount Sinai Hospital, Laparoscopic
Surgical Center of New York LLP,
Anthony James Vine, Lester Brian Katz,
Eric S. Goldstein, M.D., PLLC and
Eric Simon Goldstein,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 8, 2017,

And defendants-respondents having moved to dismiss the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated December 4, 2018, and due deliberation having been had thereon,

It is ordered that the appeal and the motion to dismiss the appeal are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
First Majestic Silver Corporation,

Plaintiff-Respondent,

-against-

Hector Davila Santos and Minerales
Y Minas Mexicanas, S.A. de C.V.,

Defendants-Appellants.
-----X

M-5995

Index No. 652471/15

An appeal having been taken from an order, amended order and judgment of the Supreme Court, New York County, all entered on or about October 13, 2017,

Now, upon reading and filing the correspondence from co-counsel for defendants-appellants hereto, dated November 5, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
A. Yang, Jacqueline Subramaniam,
Morgan Castilla, E. Steel, Dawn Fadely
and P. Sharma, on behalf of themselves
and all others similarly situated,

Plaintiffs-Respondents,

M-6035

Index No. 155681/17

-against-

Creative Industries Corporation and
Rudd Realty Management Corporation,

Defendants-Appellants.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 11, 2018,

Now, upon reading and filing the Notice of Withdrawal of Notice of Appeal filed by defendants-appellants hereto, dated November 13, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Voya Services Company,

Plaintiff-Appellant,

-against-

Darin Arita and Prudential Financial,
Inc.,

Defendants-Respondents.
-----X

M-6039

Index No. 153752/18

A purported appeal having been taken from an order to show cause with temporary restraining order of the Supreme Court, New York County, entered on or about May 7, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant hereto, dated November 7, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Railakhan Osmonova,

Plaintiff-Appellant,

M-6040

Index No. 155396/16

-against-

Bridgett L. Mayorga,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 28, 2017,

Now, upon reading and filing the correspondence from attorney for the plaintiff-appellant hereto, dated November 7, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Metropolitan Commercial Bank,

Plaintiff-Appellant,

-against-

M-6385

Index No. 655632/16

McCab II Corporation, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 9, 2017,

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

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

ENTERED:



DEPUTY 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 31, 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.

- - - - -

Doreen F.,
Petitioner-Appellant,

-against-

Fabricio M.,
Respondent-Respondent.

- - - - -

Kenneth M. Tuccillo, Esq.,
Attorney for the Children.

-----X

CONFIDENTIAL

M-5916

Docket No. V-30249-14/16E
V-30248-14/16E

Respondent-Respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about May 9, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Nicole Riordan, Esq., dated October 1, 2018, 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, Larry S. Bachner, Esq., P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York, 10006, Telephone No. 917-674-9516, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal,

(M-5916)

-2-

January 31, 2019

and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this Court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 31, 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-

Nasheen Bartell,

Defendant-Appellant.
-----X

M-5996

Ind. No. 2419/16

An order of the Supreme Court, New York County, having been entered on or about June 19, 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 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.

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:



DEPUTY 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 31, 2019.

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

-----X
Cornelia Financial Ltd.,

Plaintiff-Appellant,

-against-

M-6111
Index No. 657427/17

Michael Maidan,

Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 1, 2018,

Now, upon reading and filing the correspondence of counsel for plaintiff-appellant, dated November 21, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Lush Dacaj,
Plaintiff-Respondent-Appellant,

M-6384
Index No. 151523/12

-against-

New York City Transit Authority,
Defendant-Appellant-Respondent.

-----X

An appeal and cross-appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 30, 2018,

Now, upon reading and filing the correspondence of counsel for plaintiff-respondent-appellant, dated December 6, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
B.F. and Steven Farber,

Plaintiffs-Respondents,

M-6391

Index No. 800405/11

-against-

Reproductive Medicine Associates of
New York, LLP, and Alan Copperman,
M.D.,

Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 28, 2018,

Now, upon reading and filing the correspondence from the counsel for defendant-appellant, Reproductive Medicine of New York, LLP, dated November 26, 2018, and the Stipulation of Discontinuance as to that defendant dated August 14, 2018, and due deliberation having been had thereon,

It is ordered that the appeal of Reproductive Medicine Associates of New York, LLP is withdrawn.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X
Inocencio Cunin,

Plaintiff-Appellant,
-against-

M-6392
Index No. 304313/12

23-14 30th Drive LLC.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 29, 2017,

Now, upon reading and filing the correspondence of counsel for plaintiff-appellant, dated October 30, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In the Matter of a Proceeding for
Support under Article Four of the
Family Court Act

Susan A.,
Petitioner-Appellant,

CONFIDENTIAL

M-6137

Docket No. F-44460-10/18S

-against-

Christopher O.,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for a stay of an order of the Family Court, New York County, entered on or about September 27, 2018, pending hearing and determination of the appeal taken therefrom, and to have said Family Court proceeding assigned to a different Judge,

And an interim stay having been denied by an order of a Justice of this Court, dated November 23, 2018,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 31, 2019.

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

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

Michael J. M.,
Petitioner-Appellant,

-against-

CONFIDENTIAL

M-5626
Docket Nos. V-41743/13
V-34537/15

Antoinette T.,
Respondent-Respondent.
-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 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 deemed one seeking vacatur of the dismissal of the appeal and, as such, is granted, and the time to perfect the appeal is enlarged to the June 2019 Term (see, 22 NYCRR 1250.10).

ENTERED:



DEPUTY 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 31, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

Joshua Gutierrez,

Defendant-Appellant.

M-5784
Ind. No. 2428/17

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 22, 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 deeming the moving papers a timely filed notice of appeal.

ENTERED:



DEPUTY 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 31, 2019.

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

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

Respondent,

-against-

M-5826
Ind. No. 5303/15

Juan Lopez,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2016, and said appeal having been perfected,

And respondent having moved for an order dismissing 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 appeal is dismissed.

ENTERED:



DEPUTY 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 31, 2019.

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

-----x
Alan Dunston,

Plaintiff-Appellant,

-against-

M-5829
Index No. 251166/14

The Administration for Children's Services,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 15, 2015, 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 and, sua sponte, the appeal is dismissed.

ENTERED:



DEPUTY 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 31, 2019.

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

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

-against-

M-5862
Ind. No. 62/16

Bakary Kourouma,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal and to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 2, 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 granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY 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 31, 2019.

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

-----x
Rosemarie A. Herman, etc., et al., M-5901
Plaintiffs-Respondents, M-5886

-against- ACTION NO. 1
Index No. 652700/12

36 Gramercy Park Realty Associates,
LLC, et al.,
Defendants-Appellants.

- - - - -

36 Gramercy Park Realty Associates,
LLC, et al.,
Plaintiffs-Appellants,

ACTION NO. 2
Index No. 654067/12

-against-

Rosemarie A. Herman, etc.,
Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court by defendants in Action No. 1 and plaintiffs in Action No. 2 from an order of the Supreme Court, New York County, entered on or about April 24, 2017,

And appellants having moved, by separate motions, for an enlargement of time to perfect the aforesaid consolidated appeals,

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the consolidated appeals to the September 2019 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY 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 31, 2019.

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

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

Respondent,

-against-

M-5601
Ind. No. 2113/16

Eva Tournas,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about February 15, 2017, and said appeal having been perfected,

And respondent having moved for dismissal 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 and the appeal is dismissed.

ENTERED:



DEPUTY 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 31, 2019.

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

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

-against-

M-5440
Ind. No. 3938/14

Eric Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 16, 2018 (M-6329), 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 February 15, 2017, and assigning Seymour W. James, Jr., Esq., predecessor counsel to Janet E. Sabel, Esq. The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of The Legal Aid Society, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, 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, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:



DEPUTY 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 31, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

-----X
Irie Thompson, As Administratrix of
the Estate of Gloria Thompson,

Plaintiff-Appellant,

-against-

M-6637
Index No. 20515/09

Beth Israel Medical Center,
Montefiore Medical Center, The Jack
D. Weiler Hospital of the Albert
Einstein College of Medicine and
Terence Cardinal Cooke Health Care
Center,

Defendants-Respondents.
-----X

Appeals having been taken by plaintiff-appellant from two orders of the Supreme Court, New York County, entered on or about August 4, 2017 and April 23, 2018,

And defendant-respondent Terence Cardinal Cooke Health Care Center, having moved (1) to dismiss the aforementioned appeals, without prejudice to plaintiff-appellant re-filing a properly certified appendix and brief that does reference materials dehors the record; or, in the alternative, (2) striking pages A167-A1949 of the appendix filed by plaintiff-appellant, and all of the text on pages 3, 4, 5, 6, 8, 9, 10, 12 and 13 of plaintiff-appellant's brief referencing those materials,

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

It is ordered that the instant motion (M-6637) is denied as academic, in light of the order of this Court dated January 17, 2019, (M-6516), which struck plaintiff-appellant's brief and appendix and directed plaintiff to file a brief and appendix which do not include or refer to materials outside the record.

ENTERED:



DEPUTY 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 31, 2019.

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

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

-against-
Elizabeth Cherry,

M-5359
Ind. No. 8663C/10

Defendant.
-----x

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2013, and for leave to prosecute the appeal as a poor person, upon 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, to the extent it seeks an enlargement of time to file a notice of appeal, is denied (CPL 460.30[1]). The remainder of the motion is denied as academic.

ENTERED:


DEPUTY 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 31, 2019.

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

-----X
In the Matter of the Application of

Eva Lee,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5630
Index No. 100760/16

The City of New York Department of
Housing Preservation and Development
and Mutual Redevelopment Houses, Inc.,

Respondents-Respondents.
-----X

An appeal having been taken from an order and judgment (one paper), of the Supreme Court, New York County, entered on or about June 15, 2017,

And petitioner-appellant having moved: to vacate dismissal of her appeal; for a stay of enforcement of the aforesaid Supreme Court order, pending hearing and determination of the appeal taken therefrom; and for an enlargement of time to perfect the aforementioned appeal,

And an application for interim relief, including, a stay of all proceedings, having been denied by a Justice of this Court, by order entered on or about November 5, 2018,

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

(M-5630)

-2-

January 31, 2019

It is ordered that the motion is denied.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 31, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Omar Herrera,
Plaintiff-Appellant,

-against-

M-5652
Index No. 302090/15

Carlos Vargas,
Defendant-Respondent.
-----X
(And a third-party action)
-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 29, 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 2019 Term, with leave to seek further enlargements, if necessary.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-5688
Ind. No. 2025/15

Junior Rafael Perez Diaz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 26, 2017, and for poor person relief, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied in it's entirety (see, CPL 460.30).

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-5750

Ind. Nos. 2607/16
3381/16

Nigel Clark,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon the submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

Steven Canady,

Defendant-Appellant.

-----X

M-5799

Ind. Nos. 2824/15
7/15

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 17, 2017,

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

It is ordered that the motion is denied as unnecessary, as a notice of appeal was timely filed on behalf of the individual defendant on or about October 23, 2017,

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



DEPUTY 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 31, 2019.

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

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

-against-

Ariel Lopez-Acosta,
Defendant-Appellant.

M-5946
Ind. Nos. 85/17
49/17

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2017,

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

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

ENTERED:



DEPUTY 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 31, 2019.

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

-----x
Tyrek Heights Erectors, Inc.,
Plaintiff-Appellant,

-against-

M-6019
Index No. 650690/12

WDF, Inc., et al.,
Defendants-Respondents.

-----x

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

And plaintiff-appellant having moved, for an order vacating the dismissal of the appeal, pursuant to 22 NYCRR 1250.10(c) and, upon vacatur, enlarging the time to perfect same,

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

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

ENTERED:



DEPUTY 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 31, 2019.

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

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

Respondent,

-against-

M-6121
Ind. No. 3538/15

Robert Mays,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about January 12, 2017,

And assigned counsel for defendant having moved to be relieved as counsel or, in the alternative, for dismissal 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 to the extent of deeming the appeal withdrawn.

ENTERED:



DEPUTY 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 31, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-6123
Ind. No. 5459N/10

Dagoberto Garcia,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 13, 2012 (M-4681) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2011, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel or, in the alternative, to dismiss the appeal,

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

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

ENTERED:


DEPUTY 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 31, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-5358
Ind. No. 5096N/04

Carlos Diaz, also known as Carlos
Victor-Sanchez,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about October 23, 2013,

And defendant-appellant having moved for an order vacating the plea and dismissing the indictment or, in the alternative, dismissing the appeal as academic,

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 dismissing the appeal and is otherwise denied, without prejudice to further proceedings in Supreme Court.

ENTERED:



DEPUTY 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 31, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-5643
Ind. No. 956/14

Wilson Morales,

Defendant.

-----x

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2016,

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 (CPL 460.30[1]).

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-5713
Ind. No. 4265/15

Eduardo Ramirez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 18, 2018,

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

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

ENTERED:



DEPUTY 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 31, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5722

Ind. No. 563/17

Terrell Warren,

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, New York County, rendered on or about October 30, 2017,

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

It is ordered that the motion is denied unnecessary as the notice of appeal was timely filed on November 8, 2017.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----X
Sheena Burton,
Plaintiff-Appellant,

-against-

M-5666
Index No. 156604/15

Khedouri Ezair Corp., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for a further enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 7, 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 2019 Term.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

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

-against-

M-5831
Ind. No. 907/18

Manuel Almonte,
Defendant-Appellant.

-----X

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

ENTERED:



DEPUTY 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 31, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----x
In the Matter of

Rachel A.,
Raqeeb A., and
David A.,

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

CONFIDENTIAL
M-5835

Administration for Children's
Services,
Petitioner-Respondent,

Docket Nos. NN-29904/16
NN-29905/16
NN-29906/16

Sharon E.,
Respondent-Appellant,

Olusola A.,
Non-Respondent.

-----x

Non-respondent father, Olusola A., having moved to dismiss the appeal taken from the order of the Family Court, Bronx County, entered on or about April 13, 2018, as to Rachel A. and David A.,

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

It is ordered that the motion is granted and the appeal is dismissed, as to Rachael A. and David A. for failure to timely perfect.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----X
Thomas J. Cinquemani and Lydia
Cinquemani,
Plaintiffs-Appellants,

-against-

M-6053
Index No. 150507/13

Otis Elevator Company, et al.,
Defendants-Respondents,

-and-

Boca Group East, LLC,
Defendant.

-----X

Plaintiffs-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 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 motion is granted to the extent of enlarging the time to perfect the appeal to the June 2019 Term.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----X
Pablo Arias,
Plaintiff-Respondent,

-against-

M-6141
Index No. 451990/14

Anjo Manufacturing Co., Inc.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 9, 2018,

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

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

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----x
BQE Industries, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-6197
Index No. 652959/14

Starr Indemnity & Liability
Company,
Defendant-Appellant,

-and-

Endurance American Specialty
Insurance Company,
Defendant-Respondent.

-----x

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 11, 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 2019 Term.

ENTERED:



DEPUTY 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 31, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern, Justices.

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

-against-

M-5878
Ind. No. 2223/17

Dennis Bueno,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 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 deeming the moving papers a timely filed notice of appeal.

ENTERED:



DEPUTY 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,

M-6485
Ind. No. 5973/09

-against-

CERTIFICATE
DENYING LEAVE

Jeremy Fulton,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for reargument of the order of a Justice of this Court (M-4537), entered on October 16, 2018, which denied his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about April 11, 2018, is hereby denied.



Associate Justice

Dated: January 9, 2019
New York, New York

ENTERED: 

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

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

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

M-113
Ind. No, 1160/13

-against-


CERTIFICATE
DENYING LEAVE

Donald McLaurin,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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, entered on or about December 4, 2018, is hereby denied.



Associate Justice

Dated: January 23, 2018
New York, New York

ENTERED January 31, 2019