

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 June 18, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Juan Soriano and Janny Pepin Soriano,
Plaintiffs-Respondents,

-against-

Victor Osorio, Carmen Osorio, also
known as Susana Osorio, Wendy
Hernandez, Raymond Hernandez, Victor
Santos, Sushi Vida, Inc., doing
business as Mama Sushi, J. Hernandez
Contract Corp., also known as JR
Construction
Defendants-Appellants.

M-2509
Index No. 651828/17

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 2, 2019, and said appeal having been perfected,

And defendants-appellants having moved for a stay of all proceedings in the lower court, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated May 13, 2019, 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 15, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Cecilio Sierra and Azucena Y.

Escobar,
Plaintiffs-Appellants-Respondents,

M-2559
Index No. 155685/14

-against-

The Charles Condominiums, LLC, and
Triton Construction Company, LLC,
Defendants-Respondents-Appellants.

-----X

An appeal and cross-appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 20, 2018, and the appeal of plaintiffs-appellants having been perfected,

And defendants-respondents-appellants having moved to vacate the dismissal of their cross-appeal 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 to the extent of vacating the dismissal, reinstating the cross-appeal and enlarging the time to perfect same to the September 2019 Term (see, 22 NYCRR 1250.10). Defendants-respondents-appellants are sua sponte directed to file a supplemental record to include the cross-appeal. The parties attention is directed to 22 NYCRR 1250.9(f)(1)(ii).

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 June 18, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Richard Taylor,
Plaintiff-Respondent,

-against-

M-2641
Index No. 20038/13E

The Port Authority of New York and
New Jersey,
Defendant-Appellant.

-----X

Defendant-Appellant having moved for a stay of trial, including jury selection, pending hearing and determination of the perfected appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 7, 2019, which denied defendant-appellant's motion for summary judgment,

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

It is ordered that the motion is granted.

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 June 18, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Trebuchet Capital Management, LP,
et al.,

Plaintiffs-Appellants,

-against-

M-2705
Index No. 652907/19

Prelude Opportunity Fund, LP,
et al.,

Defendants-Respondents.
-----x

A purported appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 16, 2019, which denied plaintiffs' request for a temporary restraining order staying defendants' threatened termination of the parties' sub-advisory agreement,

And plaintiffs-appellants having moved for a stay of the termination of the sub-advisory agreement pending the hearing and determination of the appeal,

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

It is ordered that the motion, deemed to include a request for relief pursuant to CPLR 5704(a), 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 June 18, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Angelica Schwartz,
Plaintiff-Appellant,

-against-

M-2357
Index No. 800004/17

New York Presbyterian Weill Cornell
Medical Center, Sophia Dolly Lin M.D.,
Hospital for Special Surgery, Kenton
Fibel, M.D., Joseph Fineberg, M.D.,
Han-Jo Kim, M.D., Chad Craig, M.D.,
James Beckman, M.D., Brion Reicheler,
M.D., Julia Kim, M.D., East River
Imaging, Stephen Greenberg, M.D.,
Visiting Nurse Services of New York,
Richard Arnold, M.D.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved, pursuant to CPLR 5704(a), for an order granting relief denied by the Supreme Court, New York County, in an order entered on or about July 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 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 June 18, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-1955
SCI. No. 32/09

Robert Fleming,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for reargument of two prior orders of this Court, entered on May 31, 2018 (M-1445) and September 25, 2018 (M-3368), which denied, as time-barred, his prior applications for leave to file an untimely notice of 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 June 18, 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-1901
Ind. No. 2421/17

Giovanni Bermudez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 29, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated April 2, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 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

Libra Max,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1960
Index No. 156641/17

-against-

ALP, Inc., a New York Corporation,
ADAM MAX, in his official capacity as
the president of ALP, Inc.,
Respondents-Appellants,

-and-

Lawrence Flynn, as guardian of the
property management for a person in
need of a guardian,
Respondent-Respondent.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about May 30, 2018 and June 29, 2018, and said appeals having been perfected,

Now, upon reading and filing the Stipulation of Discontinuance of the parties hereto, dated April 2, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

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

-----X
Valley National Bank,

Plaintiff,

-against-

Chelmsford Contracting Corp., Horacio Afonso, Helena Afonso, Antonio Firmino and Maria Firmino,

Defendants.
-----X

M-2038
Index No. 650797/17

Defendants having moved, pursuant to CPLR 5704, for an order, inter alia, vacating a contempt order issued by Supreme Court, New York County, on or about March 25, 2019 and granting a stay of the contempt hearing originating from said order,

Now, upon reading and filing the stipulation of the parties hereto, dated April 23, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 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-2078

Ind. No. 538/16

Luis Santana,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 24, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 11, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 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-2079

Ind. Nos. 558/17
613/17

Romaine Bell,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 12, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 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-2080

Ind. No. 2945/15

Devin Daniels,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 10, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

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

-----X

William Sam,
Plaintiff-Appellant,

-against-

M-2126

Index No. 305739/11

Michael Mirttil and New York City
Transit Authority,
Defendants-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about January 8, 2019,

Now, upon reading and filing the correspondence received from counsel for plaintiff-appellant dated April 11, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 18, 2019.

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

-----X

A3 Investments SA,
Plaintiff-Respondent,

M-2127

Index No. 157719/18

-against-

Graeme Linnett,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the Notice of Withdrawal of Appeal received from counsel for defendant-appellant dated April 19, 2019, and due deliberation having been had thereon,

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

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 June 18, 2019.

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

-----X
Casella Construction Corp.,
Plaintiff-Respondent,

-against-

M-2128
Index No. 155098/17
Action No. 1

322 East 93rd Street, LLC.,
Defendant-Respondent.

322 East 93rd Street, LLC.,
Counterclaimant-Respondent,

-against-

324 E. 93 LLC,
Additional Counterclaim Defendant-
Appellant.

324 E. 93 LLC.,
Fourth-Party Plaintiff-Appellant,

-against-

David Shepherd and Ashley Shepherd,
Fourth-Party Defendant-Respondent.

Timothy Thuku, as Administrator of the
Estate of Lemmy Thuku, deceased,
Plaintiffs-Respondents,

Index No. 506859/17
Action No. 2

-against-

324 E. 93 LLC., Perry Gault Management Co.
Inc.,
Defendants-Appellants,

-and-

David Shepherd and Ashley Shepherd,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2018,

Now, upon reading and filing the correspondence received from counsel for additional counterclaim defendant-appellant in Action No. 1 and defendants-appellants in Action No. 2 dated April 17, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 18, 2019.

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

-----X
Old Republic General Insurance Corp.,
Individually and as subrogee of
Legacy Builders/Developers Corp.
and Zuma, LLC.,
Plaintiffs,

-against-

M-2129
Index No. 651797/17

Harleystville Worcester Insurance Company,
Defendant-Appellant,

-and-

Marlin Mechanical Corp.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 14, 2018,

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated April 22, 2019, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 18, 2019.

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

-----X
Margit Kovago-Feher,
Plaintiff-Respondent,

-against-

Toothsavers Dental Services, P.C., M-2146
et al., M-2309
Defendants, Index No. 805266/13

-and-

Sol S. Stolzenberg, D.M.D., Sol
Stolzenberg, D.M.D., Dental Services,
P.C., Sol S. Stolzenberg, D.M.D., P.C.,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 10, 2018 and September 25, 2018, and said appeals having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeals (M-2146),

And defendants-appellants having moved to withdraw the aforesaid appeals (M-2309),

Now, upon reading and filing the stipulation of the parties hereto, dated May 3, 2019, and due deliberation having been had thereon,

It is ordered that the appeals and the within motion are deemed withdrawn in accordance with the aforesaid stipulation (M-2146/M-2309).

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 June 18, 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.

- - - - -
Stephan A.,
Petitioner-Appellant,

CONFIDENTIAL

M-2041

Docket Nos. V-10427-17/18A
V-12201-17/18A

-against-

Amber V. J.,
Respondent-Respondent.

-----X

Petitioner-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 April 2, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Angela De La Cruz, Esq., dated April 16, 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, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, NY 10007, Telephone No. 646-775-8994, 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**

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

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 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


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 June 18, 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-1936
Ind. No. 1974/18

Renata Lisek,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 18, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 June 18, 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,

CONFIDENTIAL

M-2121

-against-

Ind. No. 2586/17

Manuel Cordero,
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 (Ward, J.), entered on or about February 25, 2019, 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 Ward as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., 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 June 18, 2019.

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

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

Respondent,

-against-

M-1944
Ind. No. 2575/12

Dionisio Reyes, also known as
Dionisio Reyes Rosario,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 17, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Hiram Ramirez,
Plaintiff,

-against-

Almah LLC.,
Defendant,

M-1705
Index No. 305821/11

Almah LLC.,
Third-Party Plaintiff-Appellant,

-against-

Structure Tone, et al.,
Third-Party Defendants-Respondents.

Almah LLC.,
Second Third-Party Plaintiff-Appellant,

-against-

Plumb Door of New York City, Inc., also
known as Plumb Door N.Y.,
Second Third-Party Defendant-Respondent.

-----X

Third-Party Defendant-Respondent Port Morris Tile & Marble Corp. having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 14, 2019 (Appeal No. 8411),

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

(M-1705)

-2-

June 18, 2019

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 June 18, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Cynthia S. Kern
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

Steven Lisi,
Plaintiff-Appellant,

-against-

M-1921
Index No. 160298/16

Lowenstein Sandler LLP, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 7, 2019 (Appeal No. 8645),

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 June 18, 2019.

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

-----x

Beatrice Investments, LLC,
Plaintiffs-Respondents,

-against-

M-2034

Index No. 654052/13

940 Realty LLC, 511 9th LLC, 940
Investor LLC, 511 Manager Corp. and
Salim "Solly" Assa,
Defendants-Appellants,

-and-

940 Realty LLC and 511 9th LLC,
Nominal Defendants-Appellants in
the Derivative Cause of Action.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 22, 2018, and said appeal having been perfected (Cal. No. 2018-5296),

And plaintiffs-respondents 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 denied. On the Court's own motion, the perfected appeal (Cal. No. 2018-5296) is adjourned to the November 2019 Term, to be consolidated with defendants' appeal taken from the order of the same court, entered on or about March 28, 2019 (Cal. No. 2019-2739). Defendants-appellants' brief is stricken, and defendants-appellants are directed to file a replacement brief for said

November 2019 Term which shall include the appeals from the May 22, 2018 order and the March 28, 2019 order. Defendants-appellants are further directed to file a supplemental record to include the record underlying defendants-appellants' appeal from the March 28, 2019 order.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2252

-against-

Index No. 8204/93

Rhamed Armstrong,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 29, 2018, (M-590), granting defendant-appellant leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 12, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal, and the appeal having been perfected, (Cal. No. 2226),

And defendant-appellant, pro se, having moved to relieve assigned counsel, and for related relief, and the Center for Appellate Litigation having joined in the request,

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) relieving Robert S. Dean, Esq., Center for Appellate Litigation, as assigned counsel and striking the appellant's brief filed on or about April 29, 2019; and 2) substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel, and

It is further ordered that the poor person relief previously granted is continued, and the appeal is adjourned to the December

(M-2252)

-2-

June 18, 2019

2019 Term of this Court. Substituted counsel is directed to file their appellant's brief on or before September 30, 2019 for that 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 June 18, 2019.

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

-----x
161 Ludlow Food, LLC doing business as
No Fun,
Plaintiff-Appellant,

-against-

M-2503
Index No. 153500/16

L.E.S. Dwellers, Inc. formerly known as
Diem, Inc. and Diem Boyd,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 24, 2018, and the appeal having been perfected and adjourned to the September 2019 Term by order of a Justice of this Court dated May 20, 2019,

And plaintiff-appellant having moved for leave to correct the record on appeal and to submit an amended brief, substituting an amended version of pages 4-15 of the filed brief for the sole purpose of correcting errant citations therein to the record on 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 plaintiff-appellant's brief stricken, and directing plaintiff to file a new appellate brief for the sole purpose of correcting the citation errors on pages 4-15, on or before July 8, 2019, for the September 2019 Term; and

It is further ordered that defendants-respondents are granted leave to file a new respondent's brief, if so advised, on or before August 7, 2019, and plaintiff-appellant is granted leave to file a new reply brief, if so advised, on or before August 16, 2019. The Clerk of the Court is hereby directed to maintain the appeal on this Court's calendar for the September 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 June 18, 2019.

Present - Hon. David Friedman,
Rosalyn H. Richter
Marcy L. Kahn
Anil C. Singh,

Justice Presiding,

Justices.

-----x

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

- - - - -

Janos L.,
Petitioner-Appellant,

CONFIDENTIAL

M-2582

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 calendared for the September 2019 Term (Cal. No. 2017-1814),

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

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 is granted to the extent of directing the Clerk of the Court to maintain the appeal on the calendar for the September 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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Anil C. Singh, Justices.

-----x
Ney Castillo,
Plaintiff-Respondent,

-against-

Big Apple Hyundai,
Defendant,

-and-

M-2655
Index No. 305548/12

Safeguard NY I, LLC,
Defendant-Respondent.

- - - - -
Safeguard NY I, LLC,
Third-Party Plaintiff-Respondent,

-against-

Red Hood Construction Group I LLC,
Third-Party Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 11, 2019, and said appeal having been perfected,

And third-party defendant-appellant having moved for a stay of trial, currently scheduled to commence on August 12, 2019, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Miguel Garcia,

Defendant-Appellant.

M-2010
Ind. Nos. 3830N/13
4398/13
1883N/16

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from judgments of the Supreme Court, New York County, rendered on or about April 17, 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:


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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2047
Ind. No. 1494/17

Luis Trinidad,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 10, 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:


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 June 18, 2019.

Present - Hon. David Friedman,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer,

Justice Presiding,

Justices.

-----x

PEG Bandwidth LLC,

Plaintiff-Respondent,

-against-

Optical Communications Group,

Defendant-Appellant.

-----x

M-2075
Index No. 154391/15

Defendant-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 June 5, 2018, and from the judgment of said Court, entered on or about July 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 October 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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-2115
Ind. No. 12131/91

Lorenzo Martinez,

Defendant-Appellant.
-----x

Defendant-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 December 30, 2015,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated March 17, 2019, 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 October 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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

Kalieh McMorris, also known as Kaueh
McMorris, also known as Two-Five,

M-2116
Ind. Nos. 3783/08
3190/08
1821/12

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 15, 2013,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated March 17, 2019, 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 October 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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
N.N. Simpson, David Packer, Maureen Packer, Tony Maddox, Amanda Levy, Andrew Ockenden and Christine Martinez on behalf of themselves and all others similarly situated,
Plaintiffs-Appellants,

-against-

16-26 East 105, LLC and Beach Lane Management, Inc.,
Defendants-Respondents.

M-1848
Index No. 160737/17

-----x
An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 6, 2019, and the appeal having been perfected,

And defendants-respondents having moved to dismiss the aforesaid appeal, without prejudice to plaintiffs-respondents timely perfecting same upon a proper record and brief, and for a stay of the time to file a respondent's brief,

And the perfected appeal having been adjourned to the September 2019 Term by order of a Justice of this Court, dated April 2, 2019,

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

It is ordered that the motion is granted to the extent that pages 7-29 and 392-403 of the record on appeal, and pages 29-30 of plaintiffs' appellate brief, are deemed stricken, and plaintiffs are directed to file a supplemental record containing a settled transcript of the oral argument and decision on the

record of February 5, 2019, and defendants' memorandum of law in opposition to plaintiffs' motion for class certification, dated July 13, 2018, at their own expense, within 20 days of the date of entry of this order. 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 June 18, 2019.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Rudranauth O. Toolasprashad,

Plaintiff-Appellant,

-against-

M-1707

Index No. 152315/16

The City of New York, New York City
Police Department, and New York
City Police Pension Fund,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 5, 2019 (Appeal No. 8310),

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 June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X

In the Matter of the Application of

Margarita Vega,
Petitioner,

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

M-1750
Index No. 100278/17

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to challenge a New York City Housing Authority determination of having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 20, 2018,

And respondent having moved, pursuant to 22 NYCRR 1250.10(a), to dismiss the aforesaid proceeding for failure to timely prosecute,

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

It is ordered that the motion is denied as unnecessary, the appeal having been automatically dismissed, without prejudice to petitioner filing a motion, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the proceeding.

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 June 18, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

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

-against-

Jaime Lopez,
Defendant-Appellant.

CONFIDENTIAL

M-1937

Index No. 570922/14

-----X

Defendant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about February 22, 2019,

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

It is ordered that the motion is 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 June 18, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

IN RE: NEW YORK CITY ASBESTOS LITIGATION

This Document Relates To:

Rosemary Czulada, Individually and as
Executrix for the Estate of Joseph
William Czulada Sr.

Plaintiffs-Respondents,

-against-

Aerco Int'l, et al.,
Defendants.

-and-

Aurora Pump Company,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 15, 2019, and said appeal having been perfected,

And defendant-appellant Aurora Pump Company having moved for a stay of trial and all proceedings in connection with this matter, 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 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 June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh. Justices.

-----x

Marin Regalado,
Plaintiff-Respondent,

-against-

635 Riverside Drive NY LLC, et al.,
Defendants-Respondents.

- - - - -

635 Riverside Drive NY LLC,
Third-Party Plaintiff-Respondent,

M-1846
Index No. 151907/15

-against-

Blue Star Properties, Inc., and
Jeffrey Pikus,
Third-Party Defendants-Appellants,

-and-

Ogando Construction Corp., et al.,
Third-Party Defendants.

-----x

Third-party defendants-appellants 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 June 6, 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 October 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 June 18, 2019.

Present - Hon. John W. Sweeney, Jr., Justice Presiding,
 Rosalyn H. Richter
 Barbara R. Kapnick
 Jeffrey K. Oing
 Anil C. Singh, Justices.

-----X
Elizabeth Wood,

Plaintiff-Respondent,

-against-

M-1851
Index No. 26007/17E

Seniorcare Emergency Medical Services, Inc.,

Defendant-Appellant.

-----X

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 15, 2018, and upon reinstatement of the appeal, 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 to the extent of vacating the dismissal, and enlarging the time to perfect the appeal to the October 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 June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1899
Ind. No. 1701/18

Kelley Traore,

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 December 21, 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 notice of appeal timely filed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2015

Ind. No. 6606/03

Kyle Jenkins,

Defendant-Appellant.

-----X

Defendant-appellant having moved, pro se, for leave to file a pro se supplemental brief in connection with the appeal taken from an order of the Supreme Court, New York County, entered on or about July 30, 2012, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Rosalyn H. Richter
 Barbara R. Kapnick
 Jeffrey K. Oing
 Anil C. Singh, Justices.

-----x

Jacoby & Meyers LLP, et al.,
Plaintiffs-Respondents,

-against-

M-2095
Index No. 403550/10

Michael Flomenhaft, et al.,
Defendants-Appellants,

-and-

The Flomenhaft Law Firm PLLC,
Defendant.

-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 13, 2018,

Now, upon reading and filing the papers, with regard to the motion, and the correspondence from counsel for defendants-appellants, dated May 7, 2019, and due deliberation having been had thereon,

It is ordered that the within motion, as well as the aforementioned appeal, are deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Bayview Loan Servicing, LLC,
Plaintiff,

-against-

Celeste Wenegieme,
Defendant-Appellant,

M-1745
Index No. 810056/11

Alleyne Sylvester, et al.,
Defendants.

- - - - -
Goldstein Group Holding, Inc.,
Nonparty Respondent.

-----X
Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 26, 2019 (Appeal No. 8505),

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 June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

NYCTL 2012-A Trust, et al.,
Plaintiffs,

-against-

M-1760
Index No. 155415/13

1698 Lex Corporation,
Defendant-Appellant,

Residential Funding Corporation, et al.,
Defendants,

Tower Lexington Inc., et al.,
Intervenor Defendants-Respondents.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 26, 2019 (Appeal No. 8497),

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 June 18, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Samuel T. Cohen, etc.,
Plaintiff-Appellant,

-against-

Saks Incorporated, et al.,
Defendants-Respondents.

- - - - -

Thomas H. Jennings, etc.,
Plaintiff-Appellant,

-against-

Saks Incorporated, et al.,
Defendants-Respondents.

- - - - -

Robert Oliver, etc.,
Plaintiff-Appellant,

-against-

Saks Incorporated, et al.,
Defendants-Respondents.

- - - - -

Joshua Teitelbaum, etc.,
Plaintiff-Appellant,

-against-

Saks Incorporated, et al.,
Defendants-Respondents.

- - - - -

Jack Oliver, etc. et al.,
Plaintiffs-Appellants,

-against-

Saks Incorporated, et al.,
Defendants-Respondents.

- - - - -

-----X

M-1605
Index Nos. 652724/13
652725/13
652728/13
652793/13
652854/13
653036/13
652817/13

-----X
 Sharon Golding, etc.,
 Plaintiff-Appellant,

-against-

Saks Incorporated, et al.,
 Defendants-Respondents.

- - - - -

Michelle Sabattini, etc.,
 Plaintiff,

-against-

Saks Incorporated, et al.,
 Defendants.

-----X

Defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 14, 2019 (Appeal No. 8421N),

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 June 18, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Anil C. Singh, Justices.

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

New York State Land Title Association, Inc,
et al.,
Petitioners-Respondents,

M-1720

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

Index No. 151562/18

-against-

The New York State Department of Financial
Services, et al.,
Respondents-Appellants.

American Land Title Association,
Amicus Curiae.

-----X

Petitioners-respondents having moved for an order correcting the decision and order of this Court, entered on January 15, 2019 (Appeal No. 7491), with regard to its references to Section 228.59(a) of Insurance Regulation 208,

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 June 18, 2019.

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

-----x

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

CONFIDENTIAL

- - - - -

Wuyi P.,
Petitioner-Respondent,

M-2069
M-2082
Docket No. O-26829-17

-against-

Ning Y.,
Respondent-Appellant.

-----x

An appeal having been taken from an order of the Family Court, New York County, entered on or about March 7, 2019, which granted the petition and ordered respondent-appellant to observe the conditions of behavior set forth in the November 15, 2018 order of protection incorporated therein for a period not in excess of 5 years,

And respondent-appellant having moved for a stay of enforcement of the aforementioned order, pending hearing and determination of his appeal taken therefrom, (M-2082), and for leave to prosecute said appeal as a poor person, (M-2019),

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

It is ordered that the motions are denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

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

CONFIDENTIAL

M-2476

Sheila N.,
Petitioner-Respondent,

Docket No. O-12530-17

-against-

Rudy N.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of all proceedings, including enforcement of the order of protection entered on or about April 15, 2019, pending hearing and determination of the appeal taken from an order of the Family Court, New York County, entered on or about April 15, 2019, and for leave to prosecute the aforesaid appeal as a poor person, 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 branch of the motion seeking a stay is denied, and

It is further ordered that that branch of the motion seeking poor person relief is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No. 718-791-8444, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1897
Ind. No. 1039/18

Troy Battle,

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 January 28, 2019,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1902
Ind. No. 2826/18

Marianne Benjamin-Williams,

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 January 14, 2019,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 18, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Jay Bradshaw,
Petitioner-Appellant,

-against-

M-1956
Index No. 100839/17

NYC Office of Chief Medical Examiner,
Defendant-Respondent.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about June 29, 2018, for leave to prosecute said appeal as a poor person, 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:


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 June 18, 2019.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2035
Ind. No. 1358/17

Manuel Amadiz-Delarosa,

Defendant-Appellant.

-----X

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


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 June 18, 2019.

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

-----x
Luisa Espinoza, et al.,
Plaintiffs-Appellants,

-against-

Carly Auto Corp., et al., M-2094
Defendants-Respondents, Index No. 304118/14
-----x

Defendants-respondents having moved to dismiss of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 20, 2018, for failure to prosecute,

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, the appeal having been deemed dismissed (22 NYCRR 1250.10[a]).

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 June 18, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-2195
Ind. No. 1088/18

Sanchez Railin,
Defendant-Appellant.

-----X

Defendant-appellant 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 February 14, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, 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 June 18, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Deutsche Bank National Trust Company, as
Trustee for Carrington Mortgage Loan Trust,
Series 2005-NC5 Asset-Backed Pass-Through
Certificates,

Plaintiff-Respondent,

M-1147

Index No. 32003/16E

-against-

Arshad Al Rasheed, etc,

Defendant-Appellant,

City of New York Environmental Control Board,
et al.

Defendants.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on February 19, 2019 (Appeal No. 8435),

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 June 18, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

Steven Mears,
Petitioner,

M-1762

Ind. No. 4854/03

OP No. 167/18

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

-against-

Honorable A. Kirke Bartley, etc., et al.
Respondents,

Cyrus R. Vance, Jr., District Attorney,
New York County,
Non-Party Respondent.

-----X

Petitioner having moved, pro se, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 19, 2019 (Appeal No. 8445),

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 June 18, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Aurora Associates LLC,
Petitioner-Appellant,

-against-

Raffaello Locatelli,
Respondent-Respondent-Appellant,

-and-

CleanTech Strategies LLC, John Doe
and Jane Doe,
Respondents-Respondents.

M-1324
M-1963
Index No. 570235/17

-----X

Petitioner-appellant having moved (M-1324), and respondent-respondent-appellant having cross-moved (M-1963), for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 6, 2017,

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

It is ordered that the motion and cross motion are granted (M-1324/M-1963). Appellant and cross appellant shall file a copy of an informational statement, pursuant to section 1250.3(a) of the Practice Rules of the Appellate Division, and a copy of this

(M-1324/M-1963)

-2-

June 18, 2019

order, with the Clerk of the Appellate Term, with proof of service, pursuant to 22 NYCRR 1250.14(f). The parties attention is directed to 22 NYCRR 1250.9(f)(1).

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 June 18, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Xue Jie He,
Plaintiff-Appellant,

-against-

M-1757
Index No. 570916/18

Hairong Xue,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 20, 2018, 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 June 18, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-1293
Ind. No. 3409/16

Luis Chacon,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 22, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 June 18, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Messiah Ali Bey,

Plaintiff-Appellant,

-against-

M-2103

Index No. 302595/16

Sobro Local Development Corporation,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved, pro se, 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 February 13, 2018 and, upon reinstatement, enlarging the time to perfect said appeal to the October 2019 Term,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of the appeal and enlarging the time to perfect said appeal to the October 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 June 18, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-2254
Ind. Nos. 3177/15
1875/16
3802/16

Tuaron Smith,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 10, 2018 (M-1593), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 1, 2017, under Indictment Nos. 3802/16, 1875/16 and 3177/15, and assigning counsel therefor, and the appeal having been perfected, (Calendared for the September 2019 Term, Cal. No. 3804)

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the correct judgment date of September 21, 2017 when appellant was **resentenced** under Bronx Co. Ind. No. 1875/15,

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

It is ordered that the motion is granted.

ENTERED:


CLERK

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

BEFORE: Hon. Peter H. Moulton
Justice of the Appellate Division

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

M-801
Ind. No. 2061/11

-against-

**CERTIFICATE
GRANTING LEAVE**


Gregory Ferguson,
Defendant-Appellant.
-----X

I, Peter H. Moulton, 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, Bronx County, dated January 7, 2019.¹

Dated: June 10, 2019
New York, New York

ENTERED

JUN 18 2019


Hon. Peter H. Moulton
Associate Justice

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.

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-412
Ind. No. 2801/03

-against-

CERTIFICATE
DENYING LEAVE

Delroy Pitterson,

Defendant.
-----X

I, John W. Sweeny, Jr., 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, Bronx County, entered on or about November 3, 2017 (Judith Lieb, J.) is hereby denied.


Associate Justice

Dated: June 10, 2019
New York, New York

ENTERED: JUN 18 2019

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

-against-

Gideon Godsent a/k/a Godsent Gideon
Defendant-Appellant.
-----X

M-2693
Ind. No. 3229/17

ORDER DENYING ROR OR
BAIL AFTER APPEAL TAKEN

An appeal having been taken to this Court by the above-named defendant from the Judgment of the Supreme Court, New York County, rendered on May 16, 2018, and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence pending hearing and determination of the aforesaid appeal or in the alternative for an order releasing him on his recognizance or upon the fixing of bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: June 10, 2019
New York, New York



Dianne T. Renwick
Justice of the Appellate Division

ENTERED: JUN 18 2019

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-1708
Ind. No. 4556/01

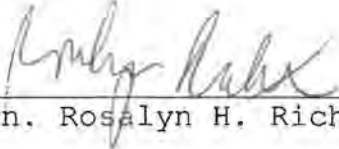
-against-

CERTIFICATE
DENYING LEAVE

Wesley Kelly,

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 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 (Gilbert C. Hong, J.), entered on or about November 20, 2018, is hereby denied.



Hon. Rosalyn H. Richter

Dated: **May 6, 2018**
New York, New York



JUN 18 2019