

At a 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 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Judith J. Gische
 Troy K. Webber
 Jeffrey K. Oing
 Peter H. Moulton, Justices.

-----X

Ashleigh Abreu, Infant by her Mother
and Natural Guardian Belkys Sosa,
Belle-Marie Abreu, Infant by her
Mother and Natural Guardian Belkys
Sosa, John Abreu, and Belkys Sosa,
Individually,

 Plaintiffs-Appellants,

M-2223
Index No. 22344/12

-against-

Su-Wang Miller, Carlos R. Rivas and
D. Rivas Corp.,
 Defendants-Respondents.

-----X

Plaintiff-appellant Belkys Sosa having moved, pursuant to 22 NYCRR 1250.10(c) to vacate the administrative dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 23, 2018, and upon vacatur, for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is enlarged 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 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against- M-2305
Ind. No. 974/17

Jenisha Brown,
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 April 10, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Patricia Powell-Brown,
Plaintiff-Appellant,

-against-

M-2324
Index No. 25036/15E

Nargobino R. Lakiram, Nicholas Andrew
Lakiram, Dmorel Inc., and Yunior N.
Montero,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 8, 2018,

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

It is ordered that the motion is denied as unnecessary, as the appeal has been deemed dismissed pursuant to 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 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-2358
SCI. No. 2026/18

Edwin Hidalgo,
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 June 13, 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 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Aspire Music Group, LLC.,
Plaintiff-Respondent.

-against-

M-2385
Index No. 652029/17

Cash Money Records, Inc., Bryan "Baby"
Williams, Ronald "Slim" Williams,
Defendants-Appellants,

-and-

Young Money Entertainment LLC, UMG
Recordings, Inc., and Republic Records
Inc.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 5, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal 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 27, 2019.

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

-----X
Jacqueline Toboroff-Gross and Leonard
Toboroff, as guarantor,
Plaintiffs-Appellants,

-against-

M-2341
Index No. 153274/17

Aronson, Mayefsky & Sloan, LLP,
Defendants-Respondents.
-----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 July 11, 2018,

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

It is ordered that the motion is deemed one seeking to vacate the administrative dismissal of the appeal and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is enlarged to the November 2019 Term (see, 22 NYCRR 1250.10, (a) and (c)).

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 27, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Anil C. Singh, Justices.

-----x
Charles Cusumano and Christine Soares,
Plaintiffs-Respondents,

-against-

Riley Land Surveyors, LLP, Kulhaneck
& Plan Land Surveyors, P.C., Charles
Polson, Joan Polson, Ronald Gutfleish
and Stacy Sorrow,
Defendants,

M-2563
Index No. 100948/13

-and-

Northwoods Abstract, Ltd.,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 9, 2018 which, inter alia, denied defendant-appellant's motion to vacate a default judgment and granted plaintiffs' motion to confirm the report of the Special Referee, and said appeal having been perfected,

And plaintiffs-respondents having moved for leave to file a supplemental record on appeal to include the record underlying the Supreme Court's order dated October 11, 2018, which denied defendants' motion for reargument,

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 27, 2019.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In Re Natalya M.,
Petitioner-Respondent,

-against-

Chanan M.,
Respondent-Appellant.

CONFIDENTIAL

M-2235

- - - -
Natalya M.,
Petitioner-Respondent,

Docket No. F-41612/15

-against-

Chanan M.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 26, 2019 (Appeal Nos. 8798-8799), and for poor person relief,

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

It is ordered that respondent-appellant's application for leave to appeal to the Court of Appeals is denied. That branch of the motion seeking poor person relief is denied as moot.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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 and in the Matter of
a Family Offense Proceeding

Confidential
M-2205

Vanessa H.,
Petitioner-Appellant,

Docket No. V-21327/18

-against-

Michael T.,
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, New York County, entered on or about April 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Maria M. Curran, Esq., dated April 24, 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, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available

therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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 and in the Matter of
a Family Offense Proceeding

Nicole W.,
Petitioner-Respondent,

-against-

Confidential
M-2206
Docket Nos. V-16967/18
O-17566/18

Louis T.,
Respondent-Appellant.

- - - - -
Shirley Caro, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, both having been entered on or about April 12, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of David R. Kirsch, Esq., dated April 26, 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, Salihah R. Denman, Esq. 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family

Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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

Judith Cheyanne T.,

Confidential

M-2378

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D-12849/18/19C

Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute the appeal taken from the order of the Family Court, New York County, entered on or about April 17, 2019, as a poor person, 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 Robert M. Deadman, Esq., dated May 1, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No., 914-215-7221, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor¹; **within 30 days (FCA 1121[7]) of service of a copy of**

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

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

ENTERED:


CLERK

At a 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 27, 2019.

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

-----X

Leon Gross,

Plaintiff-Respondent,

-against-

Zalinka Milovanovic,

Defendant-Appellant.
-----X

Confidential
M-2226X

Index No. 309996/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 21, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 30, 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 27, 2019.

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

-----X
Gifton Pothemont,
Plaintiff-Respondent-Appellant,

-against-

M-2228X

Index No. 301448/15

ARC NY24549W17, LLC, etc., et al.,
Defendants-Appellants-Respondents.
-----X

Appeals having been taken from two orders of the Supreme Court, Bronx County, entered on or about August 21, 2018, and August 27, 2018, by defendants and plaintiff, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 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 27, 2019.

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

-----X
Geraldine McGarvey,
Petitioner-Respondent,

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

M-2316
Index No. 100029/16

-against-

City of New York; New York City
Department of Education, and
Carmen Farina, Chancellor of New York
City Department of Education,
Respondents-Appellants.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 23, 2018,

Now, upon reading and filing the correspondence received from counsel for respondents-appellants dated April 16, 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 27, 2019.

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

-----X
In re: New York City Asbestos Litigation
-----X
Michael N. Marzigliano and Sherry P.
Marzigliano,
Plaintiffs-Respondents,

-against-

M-2317
Index No. 190134/17

American Biltrite Inc.,
Defendant-Appellant,

AMCHEM Products, Inc., et al.
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 25, 2019,

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated April 1, 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 27, 2019.

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

-----X
In re: New York City Asbestos Litigation
-----X
Paul D. Margolis and Marjorie Margolis,
Plaintiffs-Respondents,

-against-

M-2319

Index No. 190106/17

American Biltrite Inc.,
Defendant-Appellant,

AMCHEM Products, Inc., et al.,
Defendants.

-----X

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

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated April 1, 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 27, 2019.

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

-----x

27th Street Associates LLC,
Plaintiff-Appellant,

-against-

M-2325
Index No. 155490/15

Michael Frenchman, et al.,
Defendants-Respondents.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 17, 2018,

Now, upon reading and filing the Notice of Withdrawal of Appeal submitted by counsel for plaintiff-appellant, dated April 18, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 27, 2019.

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

-----X
Gedula 26, LLC, 485 Shur LLC,
BSD 777-26 Manager LLC, and BSD Sheva
Manager LLC,

Plaintiffs-Appellants,

M-2328

Index No. 653977/14

-against-

Lightstone Acquisitions III LLC, 485
Seventh Avenue Associates LLC, and The
Lightstone Group,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 2, 2018,

Now, upon reading and filing the correspondence received from counsel for plaintiffs-appellants dated April 25, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

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

-----X
Belair & Evans LLP,

Plaintiff-Appellant,

-against-

M-2330

M-2342

Index No. 654131/15

Peter Foley Rizzo, M.D.,
Defendant-Respondent.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about October 25, 2018 and on or about November 14, 2018,

Now, upon reading and filing the papers, including the notice of withdrawal dated April 1, 2019, and correspondence from the attorney for plaintiff-appellant dated April 17, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid notice and 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 27, 2019.

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

-----X
Dennis Mendoni,
Plaintiff-Respondent-Appellant,

-against-

M-2362

Index No. 154502/15

The Durst Organization Inc., The Durst Organization L.P., The Durst Properties Trust, Inc., and Gotham Construction Company, LLC,
Defendants-Appellants-Respondents.
-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 25, 2018,

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 appeal and cross-appeal are 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 27, 2019.

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

-----X
Bliss World LLC,

Plaintiff-Respondent,

-against-

M-2452

Index No. 657007/17

10 West 57th Street Realty LLC,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the notice of withdrawal of notice of appeal received from counsel for defendant-appellant dated May 6, 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 27, 2019.

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

-----X
Davinchy Almonte,
Plaintiff-Respondent,

-against-

4555 Pearson Street, LLC, et al,
Defendants-Appellants.
-----X

M-2497X
Index No. 309707/12

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 10, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 8, 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 27, 2019.

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

-----X
Scott Johnson,

Plaintiff-Respondent-Appellant,

-against-

M-2530

M-2802

Index No. 155998/15

Avalonbay Communities, Inc.,
Defendant-Respondent,

Midway Services, Inc.,
Defendant-Appellant-Respondent.

-----X

Midway Services, Inc.,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

The Brickman Group Ltd., LLC.,
Third-Party Defendant-Respondent-
Appellant.

-----X

Brightview Landscapes, LLC, formerly
known as The Brickman Group Ltd., LLC,
Second Third-Party Plaintiff-Respondent-
Appellant,

-against-

Bosco & Sons Mason Contractors, Inc.,
Second Third-Party Defendant.

-----X

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

Now, upon reading and filing the correspondence received from counsel for defendant/third-party plaintiff-appellant-respondent, Midway Services, Inc., dated May 7, 2019, and from counsel for third-party defendant/second third-party plaintiff-respondent-appellant, Brightview Landscapes, LLC, formerly known as The Brickman Group Ltd., LLC, dated May 2, 2019, and from counsel for plaintiff-respondent-appellant, dated May 7, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

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

-----X
Jacoby & Meyers, LLP, and Finkelstein &
Partners, LLP,
Plaintiffs-Respondents,

-against-

M-2535

Index No. 403550/10

Michael Flomenhaft, Flomenhaft &
Cannata, LLP, and the Flomenhaft Law
Firm, PLLC,
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 13, 2018,

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated May 7, 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 27, 2019.

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

-----X
James Agugliaro,
 Plaintiff-Respondent,

-against-

M-2539
Index No. 110536/11

New York City Housing Authority,
 Defendant-Appellant.
-----X

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

Now, upon reading and filing the papers with respect to this matter, including the correspondence from the attorney for defendant-appellant dated May 8, 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 27, 2019.

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

-----X

Paramdeep Singh,
Plaintiff-Respondent,

-against-

M-2553

Index No. 151010/14

Nalpak 1196 Company, LLC,
Defendant-Appellant.

-----X

Nalpak 1196 Company, LLC,
Third-Party Plaintiff,

-against-

SPD 1196 Inc.,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 17, 2018,

Now, upon reading and filing the correspondence received from counsel for defendant-appellant dated May 7, 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 27, 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-2189
SCI. Nos. 1506N/18
619/19

Digna Bodden,
Defendant-Appellant.

-----X

Defendant-appellant 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 March 7, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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-2194
Ind. No. 3516/18
3251/16

Ivan Agramonte,
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 March 6, 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 27, 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-2320

-against-

Ind. No. 2087/13

Miguel Chavez,
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 (Carro, J.), entered on or about April 3, 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 Carro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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-2459

-against-

Ind. No. 4626/16

Heriberto Torres,
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 (Robert M. Mandelbaum, J.), entered on or about March 29, 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 Mandelbaum 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 27, 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-2480
Ind. No. 2674/18

Murry Brooks also known as Murray
Brooks,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 27, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about February 27, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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,

M-2534

Ind. No. 2536/17

-against-

Mark Leflore,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 1, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated May 1, 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 27, 2019.

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

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

-against-

Marquise Spencer,
Defendant-Appellant.

M-2124
Ind. Nos. 3885/15
3138/15

-----X

An order of this Court having been entered on April 20, 2017 (M-1640), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 10, 2016, under Indictment No. 3138/15, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of said Court also rendered on or about February 10, 2016, under Indictment No. 3885/15,

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

It is ordered that said motion is granted to the extent of extending the order of assignment of this Court, entered on April 20, 2017 under Indictment No. 3138/15 (M-1640) to include the judgment of said Court, also rendered on or about February 10, 2016 under Indictment No. 3885/15, and extending the poor person relief previously granted to cover same. Defendant-appellant's Notice of Appeal is deemed amended to include the appeal under Indictment No. 3885/15. The time to perfect said appeals is hereby enlarged until 180 days from the date of receipt of the complete records.

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 27, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

John Walden,
Petitioner,

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

M-2017
Ind. No. 3190/15
OP 173/19

-against-

Hon. Arlene Goldberg, et al.,
Respondents.

-----X
Petitioner having moved, pro se, for reargument of the decision and order of this Court, entered on March 21, 2019 (Appeal No. 8774),

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 27, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

- - - - -
Eve Susan P.,
Petitioner-Appellant,

CONFIDENTIAL

M-2804

Docket No. F-44629-16/17B

-against-

Steven Neil S.,
Respondent-Respondent.

-----x

Appeals having been taken from an order of the Family Court, New York County, entered on or about December 13, 2018 and from an order entered on or about May 3, 2019, and said appeal from the order entered on or about December 13, 2018 having been perfected and calendared for the September 2019 Term,

And petitioner-appellant having moved to consolidate the aforesaid appeals and to maintain same on this Court's calendar for the September 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 denied, with leave to renew, upon submission of proof of service upon Thomas Villecco, Esq., respondent's assigned attorney.

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 27, 2019.

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

-----X

Barry Fox, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-2025
Index No. 651786/17

12 East 88th LLC,
Defendant-Appellant-Respondent.

-----X

Plaintiffs-respondents-appellants 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 12, 2019 (Appeal No. 7568),

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 27, 2019.

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

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

-against-

M-2167
Ind. No. 1953/15

Roberto Garcia,
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 December 14, 2016, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

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

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

-against-

M-2192
Ind. No. 4678/17

Saranjit Johal,
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 July 26, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

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

-----X
Marion S. Mishkim, Esq.,
Plaintiff-Appellant, M-2299
Index No. 152788/15
-against-

Frank Andrea, III, Esq., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an order, pursuant to 22 NYCRR 1250.10(c), vacating the administrative dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 17, 2018, and upon reinstatement granting an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect the appeal is enlarged to the November 2019 Term (see, 22 NYCRR 1250.10).

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 27, 2019.

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

-----X
Olangy Felix,
Plaintiff-Respondent,

-against-

M-2349
Index No. 23870/17E

Yosef Polakoff,
Defendant-Appellant.
-----X

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the administrative dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 18, 2018, and to enlarge the time to perfect said appeal,

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

It is ordered that the motion is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is enlarged 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 27, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom, Justices.

-----x

U-Trend New York Investment L.P.,
Individually and Derivatively on Behalf
of Nominal Defendant Hospitality Suite
International, S.A. and its wholly-owned
subsidiary US Suite Corp.,
Plaintiff-Appellant-Respondent,

-against-

M-2833
Index No. 652082/14

US Suite LLC and 440 West 41st LLC
Defendants,

Aura Investments Ltd.,
Defendant-Respondent-Appellant,

-and-

Hospitality Suite International, S.A.
and US Suite Corp.,
Nominal Defendants=Respondents.

-----x

U-Trend New York Investment L.P.,
Individually and Derivatively on Behalf
of Nominal Defendant Hospitality Suite
International, S.A. and its wholly-owned
subsidiary US Suite Corp.,
Plaintiff and Counterclaim-Defendant-
Appellant-Respondent,

-against-

Index No. 650498/15

Aura Investments Ltd.,
Defendant and Counterclaim-
Plaintiff-Respondent-Appellant,
[Caption Continued]

Yaacov Atrakchi, Michael Kleiner and
Yohai Abtan,
Defendants and Counterclaim
Plaintiffs-Respondents,

-and-

Hospitality Suite International, S.A.
and US Suite Corp.,
Nominal Defendants-Respondents.

[And A Third-Party Action].

-----X

An appeal and cross appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about January 3, 2019, and the appeal of plaintiff-appellant-respondent U-Trend New York Investment L.P. having been perfected,

And defendant/counterclaim plaintiff-respondent-appellant Aura Investments Ltd. (Aura) having moved (1) to supplement the joint record on appeal to include certain documents related to the final judgment and (2) to adjourn the perfected appeal to allow for briefing that incorporates the supplemental record,

And an interim order of a Justice of this Court having been entered on June 14, 2019, granting Aura's application to adjourn the perfected appeal to a future term on the condition that Aura post an additional one million dollar (\$1,000,000) bond by July 9, 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 branch of the motion seeking to supplement the joint record is granted to the extent of permitting movant Aura to file a supplemental record adding the documents listed in categories 1, 2, 3, 4, 5, 6 and 8 as set forth in the moving papers, at Aura's own expense, and is otherwise denied. The perfected appeal is adjourned to the

November 2019 Term on condition that Aura posts the additional one million dollar bond by July 9, 2019, with no further adjournments to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X

Inwood Gardens, Inc.,
Petitioner-Landlord-Respondent,

-against-

Charles Udoh,
Respondent-Tenant-Appellant.

-----X

M-2083
Civil Court
Index No. 66616/14
Index No. 570142/17

Respondent 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 19, 2019, and for poor person relief,

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

It is ordered that leave to appeal to this Court from the decision and order of the Appellate Term is denied. That branch of the motion seeking poor person relief to prosecute the appeal is denied as moot.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X
Peter Golia,
Plaintiff-Appellant,

-against-

M-2107
Index No. 655787/16

30 Macombs Place Housing Development Fund Corporation also known as 30 Macombs Place HDFC, Clarence Haley and Willie L. Brown, Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an order, pursuant to 22 NYCRR 1250.10, vacating the administrative dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 24, 2018 and, upon reinstatement, granting an enlargement of time to perfect said appeal,

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

It is ordered that the motion is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect the appeal is enlarged to the October 2019 Term (see, 22 NYCRR 1250.10).

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 27, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Ronald Kopetic,

Plaintiff-Appellant,

-against-

M-2586
Index No. 305797/12

The Port Authority of New York and
New Jersey,

Defendant-Respondent.
-----x

An appeal having taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 30, 2018, and said appeal having been perfected,

And defendant-respondent having moved for leave to supplement 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 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 27, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

M-2099

-against-

Ind. Nos. 3173/16
2546/17
1228/17
1498/16

Fatir Bowie,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time within which to file an untimely notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 5, 2019, and for leave to prosecute said appeal as a poor person, to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers 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.

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

ENTERED:


CLERK