

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 October 8, 2019.

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

-----x

Anonymous,
Plaintiff-Appellant,

-against-

M-3781
Index No. 100841/18

Fresenius Medical Care Holdings, Inc.
(doing business as Fresenius Medical
Care North America), et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 7, 2018,

And an order of this Court having been entered on December 11, 2018 (M-5702), continuing a stay and injunctive relief granted by an order of this Court, entered October 4, 2018, on condition the appeal is perfected for the April 2019 Term,

And defendants-respondents having moved to vacate/modify the aforesaid order of this Court and to remand the matter to the lower Court for a hearing and for other relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for defendants-respondents dated August 12, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

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

-----X
214 West 39th Street LLC,
Plaintiff-Respondent,

-against-

M-3804
Index No. 160935/17

Fashion Transcript LLC and
Saadia Yakoub,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 8, 2019,

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated August 12, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

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

-----X
The People of the State of New York,
ex rel. Sarah Leglar, on behalf of
Lanijah McCoy,
Petitioner-Appellant,

-against-

Cynthia Brann, New York City
Department of Correction, etc.,
Respondent-Respondent.

M-3875
Index No. 451852/18

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 5, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 October 8, 2019.

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

-----X

Elisa Fadlun,
Plaintiff-Respondent,

-against-

Afshin Hakak,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-3878

M-3877

Index No. 308629/17

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 9, 2018 and on or about January 30, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated July 29, 2019, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, 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 October 8, 2019,

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

-----X

Ethel Keeler,
Plaintiff-Respondent,

-against-

New York City Transit Authority,
Metropolitan Transportation Authority
and MTA Bus Company,
Defendants-Appellants,

M-3879
Index No. 157565/14

-and-

John Doe,
Defendant,

-and-

City of New York and New York City
Department of Transportation,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 4, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated July 26, 2019, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 October 8, 2019.

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

-----X
Luciana Perez,
Plaintiff-Respondent,

-against-

M-6791X
Index No. 21432/16

Merola Sales Company Inc., Salem
Truck Leasing, Inc., Tyrone Tolen
and Daniel Arias,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 6, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 7, 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 October 8, 2019.

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

-----X
RVM Enterprises, Inc.,
Plaintiff-Respondent,

-against-

M-6872
Index No. 651725/18

Loytr, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated August 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 October 8, 2019.

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

-----X
Board of Managers of 184 Thompson
Street Condominium,
Plaintiff-Appellant,

-against-

184 Thompson Street Owners LLC,
Defendant-Respondent.

M-6875
Index No. 103991/11

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 7, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 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 October 8, 2019.

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

-----X
Rebecca Alford,
Plaintiff-Respondent,

-against-

72nd Tenants Corporation
Defendant-Appellant,

M-6930
Index No. 653335/18

Harris Stevens Residential Management,
LLC,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 4, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated August 6, 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 October 8, 2019.

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

-----X
Saida Wallace, Individually and on
behalf of all other persons similarly
situated,
Plaintiff-Respondent,

-against-

M-6933
Index No. 157441/17

Attentive Home Care Agency Inc., doing
business as Always Home Care,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 3, 2019,

Now, upon reading and filing the papers with respect to defendant-appellant's application to withdraw its appeal, and due deliberation having been had thereon,

It is ordered that the application is granted and the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

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

-----X
Jonathan Baron and Baron Design Inc.
of New York,
Plaintiffs-Appellants,

-against-

M-6936
Index No. 155822/12

Seven Black, also known as Vito
Settineri,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants, dated August 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 October 8, 2019.

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

-----X

Aspire Music Group, LLC,
Plaintiff-Respondent,

-against-

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

M-6938
Index No. 652029/17

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

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated August 15, 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 October 8, 2019.

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

-----X
Pizzarotti, LLC, on behalf of itself and
on behalf of all persons entitled to
share in the funds received by SSC High
Rise Construction Inc. in connection
with a project identified as 1 Seaport at M-6940
161 Maiden Lane, New York, New York 10038, Index No. 154879/18
Plaintiff-Respondent,

-against-

SSC High Rise Construction Inc.,
Timothy Mahoney and Michael Mahoney,
Defendants-Appellants.

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated August 20, 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 October 8, 2019.

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

-----X
179-94 St LLC and Yashar Foundation Inc.,
Plaintiffs-Appellants,

-against-

M-6942
Index No. 155214/15E

Sania Hassan, Gago Properties LLC,
Robert Gago and Brian M. Limmer,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated August 14, 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 October 8, 2019.

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

-----X
American Transit Insurance Company,
Petitioner-Appellant,

-against-

M-6945
Index No. 653381/18

Horizon Anesthesia Group P.C., et al.,
Respondents-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for petitioner-appellant dated July 31, 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 October 8, 2019.

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

-----X
American Transit Insurance Company,
a subsidiary of American T. Inc.
Plaintiff-Appellant,

-against-

M-6955
Index No. 655397/17

Haar Orthopaedics & Sports Medicine, P.C.,
et al.,
Defendants-Respondents.

-----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 correspondence from counsel for plaintiff-appellant dated July 31, 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 October 8, 2019.

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

-----X
American Transit Insurance Company,
Plaintiff-Appellant,

-against-

M-6956
Index No. 653067/18

Horizon Anesthesia Group, P.C.,
et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 24, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 31, 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 October 8, 2019.

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

-----X

American Transit Insurance Company,
Plaintiff-Appellant,

-against-

M-6957

Index No. 653067/18

Horizon Anesthesia Group, P.C.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 5, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 31, 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 October 8, 2019.

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

-----X
Capacity Group of NY LLC,
Plaintiff-Respondent,

-against-

M-6958X
Index No. 652225/18

Michael A. Duni,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 16, 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 October 8, 2019.

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

-----X
Amedeo Angiolillo, A Citizen of Italy;
Renato Angiolillo, Jr., A Citizen of
Italy; Luigi Angiolillo, A Citizen of
Italy; Olga Agiolillo, A Citizen of
Italy; and Patrizia Angiolillo, A Citizen
of Italy;

Plaintiffs-Respondents-Appellants,

M-6965

Index No. 650871/15

-against-

Christie's Inc., A New York Corporation,
et al.,

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 3, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-respondents-appellants dated August 26, 2019, and due deliberation having been had thereon,

It is ordered that the cross 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 October 8, 2019.

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

-----X
Paul Lazzari,
Plaintiff-Respondent,

-against-

M-6966X
Index No. 305450/11

Qualcon Construction, LLC, Tomcon
Industries, James Sasso, Consolidated
Edison Company of New York,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 30, 2019,

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

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

-----X
Ionie Clarke,
Plaintiff-Appellant,

-against-

M-6967X
Index No. 303796/14

Sodexo, Inc. and Westchester
Medical Center,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 11, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 15, 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 October 8, 2019.

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

-----X
Fernando Rodriguez,
Plaintiff-Appellant,

-against-

M-6968
Index No. 25034/14

The City of New York and Celeste Bonilla,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated August 19, 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 October 8, 2019.

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

-----X
Board of Managers of 141 Fifth Avenue
Condominium,
Plaintiff-Appellant,

-against-

M-6977
Index No. 651426/13

141 Acquisition Associates, LLC,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2015,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated August 27, 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 October 8, 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.

- - - - -
Dave D.,
Petitioner-Appellant,

CONFIDENTIAL

M-3724

Docket No. V-31561-11/17H

-against-

Cara C.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about March 1, 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 Tina Patricia Smith, Esq., dated September 18, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the

(M-3724)

-2-

October 8, 2019

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

ENTERED:


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 October 8, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -
Alejandro F. C.,
Petitioner-Respondent,

CONFIDENTIAL

M-7025
Docket Nos. V-27377/16
V-07551/17

-against-

Alexis O.,
Respondent-Appellant.

- - - - -
Children's Law Center,
Attorney for the Child.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about June 17, 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 Rachel Seger Cobos, Esq., dated August 19, 2019 and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Andrew J,. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Tel. No. 212-233-0318, as counsel for purposes of responding to the appeal; 2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal,

(M-7025)

-2-

October 8, 2019

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

ENTERED:


CLERK

CORRECTED ORDER - OCTOBER 28, 2019

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 October 8, 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

Justin M.,

A Person Alleged to be a Juvenile
Delinquent,

CONFIDENTIAL

M-7082

Docket No. D-2698/19

Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about August 5, 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 Karen Webb, Esq., dated September 2, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 39 Broadway, Suite 1610, New York, NY 10006, Tel. No. (917)674-9516, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the **State** of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting

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

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.**

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 October 8, 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-6911
Ind. No. 993/18

Anthony Grantt,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about April 11, 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 April 11, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

M-6987
SCI No. 790/19

Maxwell Rodriguez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a late notice of appeal and for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 17, 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 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.

(M-6987)

-2-

October 8, 2019

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

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Justice of the Appellate Division

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

Respondent,

-against-

Dennis Vargas,

Defendant-Appellant.
-----X

M-2986
Ind. No. 2790/2017

ORDER DENYING STAY OF
EXECUTION OF SENTENCE
AND 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, Bronx County (Hon. April Newbauer, A.J.S.C.), rendered on April 11, 2019, and defendant having moved pursuant to CPL §§ 460.50 and 510.20 for a stay of the execution of the 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,

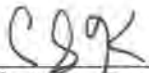
Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

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

Dated: September 13, 2019
New York, New York

ENTERED:

OCT 0 8 2019


Justice of the Appellate Division

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 October 8, 2019.

Present - Hon. Rolando T. Acosta,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Peter H. Moulton,

Presiding Justice,

Justices.

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

-against-

Rashad Muhammad,
Defendant-Appellant.

M-6988
Ind. Nos. 1025/14
3355/15

-----X
An order of this Court having been entered on March 5, 2019 (M-6000), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 16, 2018, under Indictment No. 1025/14, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 3355/15,

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 to the extent of amending the order of assignment to include Ind. Nos. 1025/14 and 3355/15, deeming the notice of appeal as timely filed, and extending the poor person relief previously granted to cover same. 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 October 8, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
-----X

Deborah Hampton Miller, Individually
and as Administratrix of the Estate
of Myron William Miller, Deceased,
Plaintiff-Respondent,

-against-

M-6867
Index No. 190257/16

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

W.W. Grainger, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2019,

And defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted.

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 October 8, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Rony Ilan, as Assignee of and successor-
in interest to Progressive Credit Union,
Plaintiff,

-against-

M-7021
Index No. 110033/08

Monica Washington, an Leah Gunn, etc.,
et al.,
Defendants,

Marisa Falero, Esq.,
Non-Party Appellant.

-----X
Monica Washington and Leah Gunn,
As Administrators of the Estate of
Queen E. Dobbins,
Petitioners,

-against-

468 West 145th St. Corp., etc., et al.
Respondents.

-----X
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 2, 2019 and on or about August 9, 2019, respectively,

And non-party appellant, pro se, having moved to stay enforcement of the aforesaid orders, pending hearing and determination of the appeals taken therefrom, and for leave to appeal from those orders,

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 an order of a Justice of this Court, dated August 23, 2019, is hereby 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 October 8, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Jorge Valdez,
Plaintiff-Appellant,

-against-

M-7029
Index No. 300232/13

The City of New York, Comptroller of
the City of New York, New York City
Housing Authority and the New York
City Police Department,
Defendants-Respondents.

-----X
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 7, 2018 and from an order of the same Court entered on or about September 9, 2018, and said appeal having been perfected,

And defendant-respondent New York City Housing Authority (NYCHA) having moved to dismiss the aforesaid appeal, or in the alternative, to direct plaintiff to file a supplemental appendix to include certain documents that were submitted to the Supreme Court in connection with the motions 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 to the extent of directing plaintiff to file a supplemental appendix containing all of the documents omitted from his initial appendix including supporting affidavits and exhibits that were submitted to the Supreme Court in connection with the motions for summary judgment, at its own expense, on or before November 4, 2019. The appeal is adjourned to the January 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 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
Seth Mitchell,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-3577
of the Civil Practice Law and Rules, Index No. 101022/18

-against-

State of New York and New York State
Office of Victim Services,
Respondents-Respondents.

-----x

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about January 8, 2019, which denied the petition and dismissed the proceeding,

And petitioner-appellant, pro se, having renewed his motion for leave to prosecute the aforesaid appeal as a poor person, 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 denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Shaun C. S.,
Petitioner-Respondent,

CONFIDENTIAL
M-7115
Docket No. V-18421/18

-against-

Kim N. M.,
Respondent-Appellant.

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

Kim N. M.,
Petitioner-Appellant,

Docket No. V-28135/18

-against-

Shaun C. S.,
Respondent-Respondent.

-----x
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about August 2, 2019,

And respondent-appellant/petitioner-appellant, Kim N. M., having moved for a stay of enforcement of the order 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,

(M-7115)

-2-

October 8, 2019

It is ordered that the motion is granted and enforcement of the order stayed pending hearing and determination of the appeal, on condition appellant perfects the appeal for the February 2020 Term, with no further extensions to be granted, and without prejudice to the father making an application to the Family Court for a temporary order of visitation.

ENTERED:


CLERK

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

BEFORE: Hon. Barbara R. Kapnick,
Justice of the Appellate Division

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

M-3663
Ind. No. 4363/06

-against-

CERTIFICATE
DENYING LEAVE

George Hayes,

Defendant.
-----X

I, Barbara R. Kapnick, 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 (Felicia A. Mennin, J.), entered on or about June 25, 2019, is hereby denied.


Hon. Barbara R. Kapnick
Associate Justice

Dated: New York, New York
September 13, 2019

ENTERED

OCT 08 2019

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 October 8, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Donna O'Keefe,
Plaintiff-Appellant,

-against-

M-3624
Index No. 23667/14E

The TJX Companies, Inc., and
T.J. Maxx, Inc.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 29, 2019, as taken from a non-appealable paper,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated August 28, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

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

BEFORE: Hon. Barbara R. Kapnick,
Justice of the Appellate Division

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

M-3773
Ind. No. 3237/07

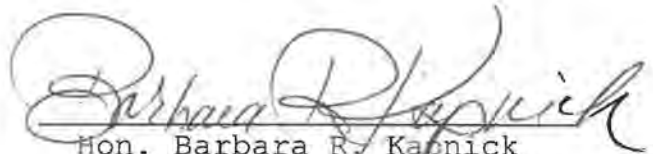
-against-

CERTIFICATE
DENYING LEAVE

Nadine Panton,

Defendant.
-----X

I, Barbara R. Kapnick, 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 (Ethan Greenberg, J.), entered on or about July 2, 2019, is hereby denied.



Hon. Barbara R. Kapnick
Associate Justice

Dated: New York, New York
September 13, 2019

ENTERED

OCT 03 2019

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 October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

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

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

-against-

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

M-3763
Index No. 303820/13

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 25, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Mohammed Kabir and Rahima Kabir
Plaintiffs-Respondents,

-against-

M-3774
Index No. 300654/13

West Farms Freeman Housing
Development Fund Corp.,
Defendant-Appellant,

EEC Group Inc.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 16, 2019,

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal, and upon vacatur, 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 January 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Great Wall Medical P.C. doing
business as New York Robotic
Gynecology & Women's Health and
Joon Song,
Plaintiffs-Respondents,

M-3786
Index No. 157517/17

-against-

Michelle Levine,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2018,

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal, and upon vacatur, 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 January 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Vladimira Koch, also known as Vlad'ka Koch,
Plaintiff-Appellant,

Michael Koch, et al.,
Plaintiffs,

M-3871
Index No. 112337/07

-against-

Sheresky, Aronson & Mayefsky LLP,
et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant, Vladimira Koch, having moved for an enlargement of time to perfect the consolidated appeals taken to this Court from two orders of the Supreme Court, New York County, both entered on or about May 4, 2018, and from the judgment, same Court, entered on or about September 26, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the February 2020 Term, with no further enlargements to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Alex Lino,
Defendant-Appellant.

Confidential
M-3880

Ind. Nos. 3828/17
2467/18
10221C/16

-----X

Defendant-appellant having moved for an order deeming the notice of motion a timely filed notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 6, 2019, or, in the alternative, for leave to file an untimely notice of appeal from said 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 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 October 8, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-3883
Ind. No. 4521/18

Edwin Gonzalez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order deeming the notice of motion a timely filed notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 2, 2019, or, in the alternative, for leave to file an untimely notice of appeal from said 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 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 October 8, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Aaron G.,
Defendant-Appellant.

SEALED
M-3884
Ind. No. 5339/16

-----X

Defendant-appellant having moved for an order deeming the notice of motion a timely filed notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 15, 2018, or, in the alternative, for leave to file an untimely notice of appeal from said 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 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 October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-6766
Ind. No. 1054/19

Lamont Hunnighen,
Defendant-Appellant.

-----X

Defendant-appellant having moved to deem the notice of motion a timely filed notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 26, 2019, or, in the alternative, for leave to file a late notice of appeal, and for leave to prosecute the appeal, as a poor person and assigning Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel,

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. The motion is otherwise denied, with leave to renew, upon defendant's submission of a detailed, notarized affidavit in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(i) and (4), setting forth his indigency and the amount and sources of his income, as well as a listing of his property with its value.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

Saif Reid,
Defendant-Appellant.

M-6773

Ind. Nos. 5219/13
3884/14
438/15

-----X

Defendant having moved for an enlargement of time to perfect separate appeals taken from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2015 (Ind. No. 5219/13) and from the judgment of the same court rendered on or about December 15, 2015 (Ind. Nos. 3884/14 and 438/15), and for the right to further enlargements,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal taken under Ind. No. 5219/13 to the March 2020 Term and, enlarging the time to perfect the appeal taken under Ind. Nos. 3884/14 and 438/15 to the September 2020 Term, with leave to seek further enlargements if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-6836
Ind. No. 591/13

Carl Gainey,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 8, 2015,

And defendant-appellant having moved for leave to expand the judgment roll to include the minutes of the pre-trial adjournments, to direct the court reporters to transcribe the minutes and file two copies with the court, and to enlarge the time to perfect the appeal to 180 days following the filing of the minutes,

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 expanding the judgment roll to include the minutes specified in paragraph seven of the affirmation in support of the instant motion and enlarging the time to perfect the appeal to the March 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Elizabeth Wages, Individually and on
behalf of the 166 Second Avenue Tenants
Association,

Petitioner-Appellant,

M-6803

Index No. 101186/16

-against-

State of New York Division of Housing
and Community Renewal,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 14, 2018,

And an order of this Court having been entered on April 11, 2019 (M-494), vacating the dismissal of the appeal and enlarging petitioner's time to perfect same to the September 2019 Term of this Court,

And petitioner having moved for a further enlargement of time to perfect the appeal and to have this Court take judicial notice of the brief filed by respondent-respondent, in *Matter of the Application of Ansonia Associates v The State Division of Housing and Community Renewal*, 160 AD2d 210 (1st Dept 1990), or, in the alternative, to grant petitioner leave to file a supplemental record,

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

It is ordered that the motion, deemed to include a request to vacate the dismissal of the appeal, is granted to the extent of reinstating the appeal and enlarging the time to perfect same to the January 2020 Term, with no further enlargements to be granted. That branch of the motion seeking to have this Court take judicial notice of the aforementioned brief, or for leave to file a supplemental record, 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 October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Dual Commercial, LLC,
Petitioner-Appellant,

-against-

M-6806
Index No. 654385/18

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

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 18, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
National Casualty Company, et al.,
Plaintiffs-Respondents,

-against-

M-6815

Index No. 654376/15

Utica First Insurance Company,
Defendant-Appellant,

Altin Bundo and Fatbardha Bundo,
Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 21, 2018, and from an order and judgment (one paper) of the same court entered on or about March 5, 2019,

And defendant-appellant having moved to consolidate the aforementioned appeals, and upon consolidation, for an enlargement of time to perfect the consolidated appeals to December 31, 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 enlarging the time to perfect the appeals to the March 2020 Term. The application for consolidation is denied as unnecessary. (see, 22 NYCRR 1250.9[f][3]).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 8, 2019.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Robyn Gorman,
Plaintiff-Appellant,

-against-

Albert Gorman,
Defendant-Respondent.

-----X

Confidential
M-6841

Index No. 312525/10

An appeal having been taken from a judgment of the divorce of the Supreme Court, New York County, entered on or about March 11, 2019,

And present counsel for plaintiff-appellant having moved for an order compelling plaintiff's prior counsel to release her files to present counsel, and enlarging the time to perfect the appeal until sixty days from present counsel's receipt thereof,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the February 2020 Term, with leave to seek a further extension, if necessary, and is otherwise denied.

ENTERED:


CLERK