

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Verizon New York, Inc.,

Plaintiff-Respondent,

-against-

M-1049
Index No. 161867/14

National Grid USA Service Company,
National Grid NY, National Grid
New York,

Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated February 14, 2020, 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It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Mark A. Shannon,
Plaintiff-Respondent,

-against-

David J. Malloy and Deborah D. Malloy, M-1055
Defendants-Respondents, Index No. 158635/15

-and-

Adirondack Transit Lines, Inc. and
William T. Bryan,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 9, 2020, 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It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X
NRL Trading 2 LLC,

Plaintiff-Appellant,

-against-

M-1095
Index No. 654310/18

Jeffrey Schindler, also known as Jeff Schindler, and Sophia Schindler,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 16, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated February 24, 2020, 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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X

Frederick Pineda and Gina Pineda,
Plaintiffs-Respondents,

-against-

769 Arnow Ave. Associates, LLC, Cesar
Cedeno and The Realty Group,
Defendants-Appellants,

M-1099
Index No. 305663/12

-and-

Patricia Mathias and Abdul Titumir,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 11, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated February 17, 2020, 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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X

Vidal Cabral,
Plaintiff-Appellant,

-against-

The City of New York, New York City
Transit Authority Division of
Paratransit, Access-A-Ride, Advance
Transit Co. Inc. and Michael Calderon,
also known as Miguel Angel Calderon,
Jr.,

M-1100
Index No. 160304/17

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 9, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated February 17, 2020, 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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Victor Betancourt and Beatrice Torres,
Plaintiffs-Appellants,

-against-

732 Henry LLC, Civic Builders, Inc.,
Pave Builders, Inc., Friends of Pave
Academy, Inc., Hunter Roberts
Construction Group, L.L.C., and AFI
Glass and Architectural Metal, Inc.,
Defendants-Respondents.

M-1101
Index No. 21241/12E

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated January 14, 2020, 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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter,
Sallie Manzanet-Daniels, Justices.

-----X
Royal Host Realty, LLC,
Plaintiff-Appellant,

-against-

753 Ninth Avenue Realty LLC and
212 East 72nd Street, LLC,
Defendants-Respondents.

- - - - - M-1102
753 Ninth Avenue Realty LLC and Index No. 653826/14
212 East 72nd Street, LLC,
Cross-Claim Plaintiffs-Respondents,

-against-

Suzuki Capital LLC and Sam Suzuki,
Cross-Claim Defendants-Appellants,

Doral Bank,
Cross-Claim Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2019,

Now, upon reading and filing the correspondence from counsel for the appellants dated January 15, 2020, 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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Samantha Torres,

Plaintiff-Respondent,

-against-

M-1103
Index No. 150152/15

2 Gold LLC and TF Cornerstone, Inc.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated January 13, 2020, 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 April 16, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Walter Rosenblath,
Plaintiff-Respondent,

-against-

M-1125
Index No. 152283/15

RXR 620 Owner II LLC,
Defendant-Appellant,

RXR Construction & Development LLC
and RXR Realty LLC,
Defendants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated November 1 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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Casita, L.P., derivatively and on
behalf of Maplewood Equity Partners
(Offshore) Ltd.,
Plaintiff-Respondent,

-against-

Robert V. Glaser, Maplewood Holdings M-1129
LLC, Maplewood Management LP and Index No. 600782/07
Maplewood Partners LP,
Defendants-Appellants,

-and-

Maplewood Equity Partners (Offshore)
Ltd.,
Nominal Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 24, 2020, 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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Kayla Mandelbaum,
Plaintiff-Respondent,

-against-

1304A Second Avenue Associates LLC,
doing business as Golosi Artisan
Pizza, Health Source Pharmacy,
Defendants-Respondents,

M-1132
Index No. 151498/15

-and-

315 East 68th Street Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 18, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated February 6, 2020, and due deliberation having been had thereon,

It is ordered that the appeal (Cal. No. 2019-3800), 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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-400

Ind. No. 2431/18

Aboubacar Kone,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 2, 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 October 2, 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.

(M-400)

-2-

March 24, 2020

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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

M-488

-against-

Ind. No. 1531/17

Ibrahima Barry,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about June 24, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 24, 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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

M-490

-against-

Ind. No. 110/18

Pedro Guzman Tavaréz,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 1, 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 October 1, 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.

(M-490)

-2-

March 24, 2020

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 April 16, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

M-587

-against-

Ind. No. 799/17

Nakia Bent,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 3, 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.

(M-587)

-2-

March 24, 2020

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 April 16, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

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

-against-

Kenneth Truss,
Defendant-Appellant.

CONFIDENTIAL

M-572
Ind. No. 2930/17

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 26, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers 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 April 16, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

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

-against-

M-620
Ind. No. 48/18

Elisah Brown,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 29, 2019, corrected December 30, 2019 (M-6892), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 27, 2018, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Christina Swarns, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

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 April 16, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Lizbeth González, Justices.

-----X
Kyowa Seni, Co., Ltd.,
Plaintiff-Appellant,

-against-

M-954
Index No. 650589/17

All Nippon Airways, Co., Ltd.,
et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved pursuant to 22 NYCRR 1250.10(c) for an order vacating the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 6, 2018, and upon vacatur, for an extension of time to perfect same, or granting alternative 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, the dismissal vacated, the appeal reinstated, and the time to perfect same is extended to the September 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 April 16, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

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

-against-

M-368
Ind. No. 1215/18

Reynaldo Vasquez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 23, 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.

(M-368)

-2-

March 24, 2020

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 April 16, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

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

-against-

M-379
Ind. No. 3977/18

Eneildaliz Noboa-Herrera,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 29, 2019, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

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 April 16, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
R & R Capital LLC and FTP Capital,
LLC,

Plaintiffs-Respondents,

M-900
Index No. 604080/05

-against-

Linda Merritt, also known as
Lyn Merritt,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 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 motion is granted to the extent of extending the time to perfect the appeal to the September 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 April 16, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Anil C. Singh, Justices.

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

-against-

M-914
Ind. No. 3420/12

Juan Marin-Flores,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 15, 2015 (M-3744), inter alia, assigning Seymour W. James, Jr., Esq., predecessor to Janet Sabel, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about April 24, 2015, and said appeal having been perfected,

And assigned counsel having moved for an order abating the appeal by reason of appellant's death and remanding the matter to the trial court to vacate the judgment of conviction and dismiss the indictment,

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

It is ordered that the motion is granted to the extent of dismissing the appeal due to appellant's death on September 21, 2019, and remanding the matter to the Supreme Court, New York County, for further proceedings.

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 April 16, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzairelli
Anil C. Singh, Justices.

-----X

Oscar Francisco Martinez,
Plaintiff-Respondent,

M-956
Index No. 20394/16E

-against-

New York Hanover Corporation,
Defendant-Appellant.

[and Third-Party Actions]

-----X

Defendant appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 2, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the September 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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
Pacific Alliance USA, Inc.,
Plaintiff-Respondent,

-against-

1450 Broadway, LLC,
Defendant-Appellant.
-----X

M-1019
Index No. 654296/13

Defendant-appellant having moved for an extension of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 1, 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 extending the time to perfect the appeal to the September 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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-447
Ind. No. 4541/18

Evette Ortiz,
Defendant-Appellant.

-----X

Defendant having moved, pro se, for an extension of time in which to file an untimely notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 17, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the branch of the motion seeking an extension of time to file an untimely notice of appeal is denied, said relief having been granted by an order of this Court entered on February 11, 2020 (M-26),

It is further ordered that the branch of the motion seeking poor person relief, is denied, with leave to renew, upon defendant's compliance with the previous order of this Court, entered February 11, 2020 (M-26), which requires submission of a notarized affidavit, pursuant to CPLR 1101(a) and 22NYCRR 1250.4 (1) and (4), setting forth, inter alia, defendant's indigency and the amount and sources of funds utilized to post bail in the Supreme Court, the disposition of those funds, and an explanation as to why similar funds are not available to prosecute this 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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-760

SCI. No. 4057/16

Jason Ke,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 16, 2016, without prejudice to reinstatement,

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

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

ENTERED:



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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-761

Ind. No. 547/17

Kenneth Adams,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 21, 2017, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTERED:



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 April 16, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzaelli
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-767
Ind. No. 2810/14

David Sanchez,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 7, 2017 (M-6469), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 18, 2016, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include an appeal from the judgment of **resentence** of the same court rendered on or about November 20, 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 amending the aforementioned order to include the appeal from the judgment of **resentence** rendered on or about November 20, 2019, and extending the poor person relief previously granted to cover same. Appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the receipt of the complete record, whichever is later.

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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-770
Ind. No. 6256/09

Gabriel Rivera,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about December 12, 2011,

And an order of this Court having been entered December 11, 2012 (M-4364) substituting Richard M. Greenberg, Esq., predecessor to Christina Swarns, Esq., Office of the Appellate Defender, as assigned counsel to prosecute the appeal, and continuing the poor person relief previously granted by order of this Court entered April 24, 2012 (M-523),

And defendant-appellant having moved for an order amending the December 11, 2012 (M-4364) order of assignment to include the appeal from the judgment of **resentence**, of the same court, rendered on or about December 13, 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 and the order of assignment is deemed amended to include the appeal from judgment of **resentence** rendered on or about December 13, 2019, and to assign Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeals, and to extend the poor person relief previously granted to cover same, and

(M-770)

-2-

March 24, 2020

It is further ordered that the time in which to perfect the appeals is extended to the September 2020 Term of this 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 April 16, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
Sam Bishop,
Petitioner-Appellant,

-against-

M-930
Index No. 260415/19

Cube Smart TRS, Inc., et al.,
Respondents-Respondents.
-----X

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

And petitioner-appellant having moved, pursuant to CPLR 5520(a), to file a notice of appeal, nunc pro tunc, to the date of service of the notice of appeal on respondents-respondents,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
West 115 11-13 Associates LLC,
Petitioner-Landlord-Appellant,

-against-

Kettly Pierre, M-8776
Respondent-Tenant-Respondent, Index No. 571207/18

-and-

Patrick Simeon and Mercedes Jin
Louise,
Respondents-Undertenants-Respondents.

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about May 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 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 April 16, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

-----X
In the Matter of
Avalynn R.,

Confidential
M-480

A Child Under Eighteen Years of Age
Neglected by

Docket Nos. NN-3153/17
V-13342/17
V-13086/17

Karl C. R.,
Respondent-Respondent,

Julianne R.,
Appellant.

Janet E. Sabel, Esq., The Legal
Aid Society,
Attorney for the Child.

-----X

Appellant-mother, Julianne R., having moved for leave to prosecute, as a poor person, the appeals taken from an orders of the Family Court, New York County, entered on or about December 3, 2019 and December 19, 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 due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) 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;**

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

(2) 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 the appeals, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Appellant's 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 April 16, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Jeffrey K. Oing
Peter H. Moulton
Lizbeth González, Justices.

-----X
Julianne Michelle Reeves,
Plaintiff-Appellant,

-against-

Confidential
M-583

Karl C. Reeves.,
Defendant-Respondent,

Index No. 300865/17

Chemtob, Moss, Forman & Beyda, LLP,
Non-Party-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about December 27, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a free copy of the transcript, and for other relief,

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

It is ordered that 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 attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the transcript, subpoena and filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2020.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-669
Ind. No. 8131/97

Carl Dushain,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 7, 2020 (M-8010), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 8, 2018, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

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 April 16, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Douglas Booth,
Plaintiff-Respondent,

-against-

Ecozone Inc., and Maurice Kohanbash,
Rapid Construction and Renovation,
Defendants-Appellants,

Management Inc., also known as and/or
doing business as Top Broadway Ltd.,
et al.,
Defendants.

M-867
M-1155
Index No. 150531/13

-----X
Appeals having been taken from an order of the Supreme Court, New York County, entered on or about June 4, 2019,

And defendants-appellants, Ecozone Inc., and Maurice Kohanbash having moved for an extension of time to perfect their appeal from the aforementioned order (M-867),

And defendant-appellant Rapid Construction and Renovation having cross moved for an extension of time to perfect its appeal taken from the aforementioned order (M-1155),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeals to the October 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 April 16, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Harold John,
Plaintiff-Respondent,

-against-

M-1087
Index No. 805011/15

New York City Health and Hospitals Corporation,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 26, 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 extending the time to perfect the appeal to the September 2020 Term.

ENTERED:



CLERK

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-780
Ind. No. 2366/12

-against-

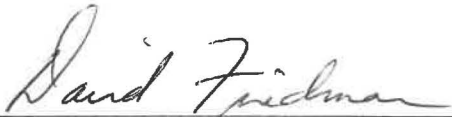
CERTIFICATE
GRANTING LEAVE

Adrian Lopez,
Defendant-Appellant.
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, Bronx County, entered on or about January 8, 2020.¹

Dated: New York, New York
March 6, 2020

ENTERED
APR 14 2020



DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.