

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 February 4, 2020.

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

-----X

BRW Aviation Holding LLC.,
Plaintiff-Appellant,

-against-

M-101
Index No. 656802/19

United Airlines, Inc. and Kingsland
Holdings Limited,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated December 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 February 4, 2020.

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

-----X

Stone & Broad Inc.,
Plaintiff-Appellant,

-against-

M-102
Index No. 156297/18

Nextel of New York, Inc., et al.,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated December 23, 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 February 4, 2020.

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

-----X
Zurich American Insurance Company and
American Zurich Insurance Company,
Plaintiffs-Appellants,

-against-

M-103
Index No. 655533/16

Don Buchwald & Associates, Inc. and
Tony Burton,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about December 21, 2018 and on or about December 24, 2018,

Now, upon reading and filing the Stipulation Withdrawing Appeal of the parties hereto, dated December 20, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid Stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X
German Valbuena and Janneth Correa
Hernandez,
Plaintiffs-Appellants,

-against-

M-104
Index No. 156064/15

650 Madison Avenue Owner, LLC, 650
Madison Office Manager, LLC, Americon
Construction, Inc. and Vornado Office
Management, LLC,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 24, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants, dated December 11, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X

American Transit Insurance Company,
Plaintiff-Respondent,

-against-

M-106
Index No. 650248/19

Franco Lacosta,
Defendant-Appellant,

DHD Medical PC, Lenox Hill Hospital, North
Shore LIJ Medical PC, Pain Physicians NY,
PLLC, Robert Luca, D.C. and Stand-Up MRI
of Manhattan, P.C.,
Defendants.

-----X

An appeal having been taken to this Court by defendant-appellant, Franco Lacosta, from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 24, 2019,

Now, upon reading and filing the Stipulation of Discontinuance as to Franco Lacosta Only and Stipulation to Withdraw Motion to Renew and Reargue and Appeal dated November 22, 2019, and due deliberation having been had thereon,

It is ordered that defendant-appellant's appeal is deemed withdrawn in accordance with the aforesaid Stipulation of Discontinuance.

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 February 4, 2020.

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

-----X

B&Z Auto Enterprises, LLC,
Plaintiff-Respondent,

-against-

M-107
Index No. 26755/16E

4001 BX LLC,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about April 29, 2019,

Now, upon reading and filing the Stipulation of Withdrawal of Appeal of the parties hereto, dated December 11, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X

Callsome Solutions, Inc.,
Plaintiff-Respondent,

-against-

M-108
Index No. 652386/14

Google LLC,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 23, 2018,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated December 30, 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 February 4, 2020.

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

-----X

Sharon Rothlein, et al.,
Plaintiff-Respondent,

-against-

American International Industries for
Clubman, et al.,
Defendants,

M-110
Index No. 190374/16

-and-

Colgate-Palmolive Company,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated December 16, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X

Sharon Rothlein, et al.,
Plaintiff-Respondent,

-against-

American International Industries for
Clubman, et al.,
Defendants,

M-111
Index No. 190374/16

-and-

Colgate-Palmolive Company,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated December 26, 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 February 4, 2020.

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

-----X

IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X

Frances Isernia, as Administratrix for
the Estate of John M. Isernia and Frances
Isernia, Individually,
Plaintiffs-Respondents,

-against-

M-112
Index No. 190071/16

American Biltrite Inc.,
Defendant-Appellant,

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

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 16, 2018,

Now, upon reading and filing the Stipulation For Withdrawal of Appeal of the parties hereto, dated December 19, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X

Kenneth Sena and Joseph Mazzaferro,
Plaintiffs-Appellants,

-against-

M-113
Index No. 158985/17

Daniel Scalzi,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 19, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants, dated December 12, 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 February 4, 2020.

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

-----X

Andrea Nicholson,
Individually, and on behalf of all
others similarly situated,
Plaintiff-Appellant,

-against-

M-157
Index No. 32222/18

Alliance Nursing Staffing of
New York, Inc.,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated January 2, 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 February 4, 2020.

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

-----X

Racquel Alicea and Fernando Allende,
Plaintiffs-Respondents,

-against-

M-158X
Index No. 36481/17

El Sol Contracting and Construction Corporation and Robert Xavier Negron,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 26, 2019 ,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 23, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

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

Presiding Justice,

Justices.

-----X
21st Century Insurance/21st Century
Advantage Insurance Co./21st Century
National Insurance Co.,
Plaintiff-Respondent,

-against-

M-160
Index No. 156199/13

Marie Baptisye, etc., et al.,
Defendants,

-and-

Easy Care Acupuncture, P.C.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 29, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant filed in this Court on December 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: February 4, 2020


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 February 4, 2020.

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

-----X

Adam Leitman Bailey, P.C.,

Plaintiff-Respondent,

-against-

M-161

Index No. 654256/15

Russell H. Pollack,

Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated December 24, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 4, 2020.

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

-----X
Worldview Entertainment Holdings Inc.,
Worldview Entertainment Holdings LLC,
and Roseland Ventures LLC,
Plaintiffs-Appellants,

-against-

M-162
Index No. 159948/14

Christopher Woodrow, Sarah Woodrow,
The Estate of Constance Woodrow,
Defendants,

Goetz Fitzpatrick LLP and Aaron
Boyajian, Esq.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 26, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated January 2, 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 February 4, 2020.

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

-----X

Jesus Manon,
Plaintiff-Respondent,

-against-

M-164X
Index No. 36264/17

Pedro Peguero,
Defendant-Appellant,

Tamika Velez, Fred Huertas, Wady
Mercado and Kelvyn Sanchez-Pena,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 12, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 7, 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 February 4, 2020.

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

-----X
Newport Global Opportunities Fund,
L.P., and Newport Global Credit
(Master) L.P.,
Plaintiffs-Appellants,

M-165
Index No. 656310/18

-against-

Overton Ravine, L.L.C.,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated January 7, 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 February 4, 2020.

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

-----X
Roger Ehrenberg and Carin Levine-
Ehrenberg,
Plaintiffs-Appellants,

-against-

M-182
Index No. 111964/07

Hilda M. Regier,
Defendant-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about September 27, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated December 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 February 4, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X

In re Well Done Realty LLC.,
Petitioner-Respondent,

-against-

M-8855
Index No. 570241/17

Benjamin Epps, et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 12, 2019 (Appeal No. 10314) and, should leave be granted, for a stay of enforcement of the judgment of the Civil Court, New York County, entered on or about February 7, 2017,

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

It is ordered that the motion is denied in its entirety. The interim relief granted by order of a Justice of this Court, dated December 10, 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 February 4, 2020.

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

-----X

Boris Gerasimov and Ekaterina Gerasimov,
Plaintiffs-Appellants,

-against-

M-8681

M-8664

Index No. 300165/18

Amalgamated Housing Corporation and
Norris McLaughlin & Marcus, P.A.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about February 26, 2019, and the appeal having been perfected,

And defendant-respondent, Amalgamated Housing Corporation, having moved for an order striking plaintiffs-appellants replacement brief and appendix and dismissing plaintiff's appeal for failing to comply with the order of this Court entered on October 1, 2019 (M-6778 & M-6952) or, in the alternative, directing plaintiffs-appellants to file a replacement brief and appendix in compliance with the aforementioned order, and extending defendants' time to file a respondent's brief (M-8681),

And plaintiffs-appellants having cross-moved for an order holding defendant-respondent Amalgamated Housing Corporation in contempt of Court, dismissing defendants' motion, and reversing the order on appeal (M-8664),

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 defendants-respondents' motion to strike plaintiffs-appellants' replacement appendix and brief and to dismiss the appeal for failure to comply with this Court's October 1, 2019 order is granted (M-8681), and

It is further ordered that plaintiffs-appellants' cross 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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh
Lizbeth González, Justices.

-----X
Makeba Carpenter,

Plaintiff-Appellant,

-against-

M-7
Index No. 101270/17

New York City Housing Authority,
et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about November 29, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, 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 said 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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Lizbeth González, Justices.

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

-against- M-8937
Ind. No. 2923/05

Devin Keitt,
Defendant-Appellant.
-----X

An order of this Court having been entered on September 3, 2019 (M-2832) granting defendant leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about January 19, 2019, 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 denied, with leave to renew upon proof that Patrick Megaro, Esq., has been retained as counsel for defendant.

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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-7721
Ind. No. 2295/15

Bayna-Lekheim El-Amin,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 15, 2016, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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 defendant to serve and file an original and 5 copies of his pro se supplemental brief for the June 2020 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Lamar Advertising of Penn, LLC,
Petitioner,

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

M-8928
Index No. 100396/18

-against-

The City of New York, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 12, 2019,

And petitioner having moved for an extension of time to perfect the proceeding,

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 extending the time to perfect the proceeding to the June 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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Partners 2004, LLC,
Petitioner,

For a Judgment Pursuant to Article 78 M-8929
of the Civil Practice Law and Rules, Index No. 100395/18

-against-

The City of New York, et al.,
Respondents.
-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 12, 2019,

And petitioner having moved for an extension of time to perfect the proceeding,

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 extending the time to perfect the proceeding to the June 2020 Term.

ENTERED:



CLERK

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

BEFORE: Hon. Ellen Gesmer
Associate Justice of the Appellate Division

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

-against-

Victor Alomar,

Defendant.
-----X

ORDER
M-269

Docket No. CR-31415/19
Case No. 2020-412

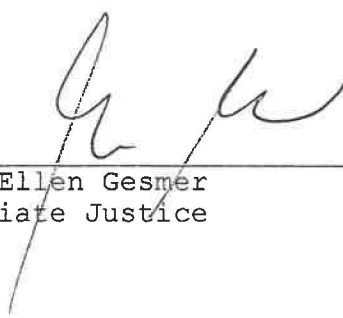
An application having been made by the defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, New York County (Scherzer, J.), as set forth in an order of that court, dated January 10, 2020, and, upon review, to vacate the ruling,

Now, upon reading and filing the papers with respect to the motion, it is

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the motion which were sealed by the motion court and/or disclose the matters in the papers which were sealed by the motion court shall continued to be sealed.

Dated: February 3, 2020
New York, New York



Hon. Ellen Gesmer
Associate Justice

ENTERED

FEB 04 2020

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 February 4, 2020.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh
Lizbeth González, Justices.

-----x

Ralph Perlberger,

Plaintiff-Respondent,

-against-

M-85

Index No. 154885/18

Gary Lutin,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about June 5, 2019,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the aforesaid judgment 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 on condition the appeal is perfected for the June 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 February 4, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Raymond Moore and Peter Dimario,
Plaintiffs-Appellants,

-against-

M-8820

Index No. 154133/17

Greystone Properties 81 LLC,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 17, 2019 (Appeal No. 10103),

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 February 4, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Lizbeth González, Justices.

-----X
Leader Electric Co.,
Plaintiff-Respondent,

-against-

M-8907

Index No. 651354/18

Integrity Contracting Inc.,
Defendant-Appellant,

VJHC Holding Corp., and "John Doe 1"
Through "John Doe 10", said parties
lieners Who have yet to perfect their
liens and being Fictitious and unknown
to Plaintiff,
Defendants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 31, 2019,

And defendant-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, 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. The interim relief provided by an order of a Justice of this Court, dated December 16, 2019, is vacated, without prejudice to further proceedings in the Supreme 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 February 4, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Nasir Ali and Zoe Gonzalez Ali,
Plaintiffs-Appellants,

-against-

M-8378
Index No. 311165/11

Sloan-Kettering Institute for Cancer
Research, et al.,
Defendants-Respondents,

Turner Construction Company,
Defendant.

-----X
Sloan-Kettering Institute for Cancer
Research, et al.,
Third-Party Plaintiffs,

-against-

CM Air Conditioning Contractors, Inc.,
Third-Party Defendant-Respondent.

-----X

Defendants-respondents and third-party defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 22, 2019 (Appeal No. 10161),

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 February 4, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Cynthia S. Kern Justices.
Jeffrey K. Oing,

-----X
Aspen Specialty Insurance Company,
Plaintiff-Respondent,

-against-

M-8336
Index No. 160353/14

Ironshore Indemnity Incorporated,
Defendant-Appellant,

Transel Elevator, Inc.,
Defendant.

-----X

Defendant-appellant having moved for renewal of the decision and order of this Court, entered on December 4, 2018 (Appeal Nos. 7657-58),

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 February 4, 2020,

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Randall Fisher,
Plaintiff-Appellant,

-against-

M-8740

M-8471

The City of New York,
Detective Dionisio Solis, Shield No. 5127,
The New York City Police Dept.
and John Does 1-20 (representing unknown
supervisors),
Defendants-Respondents.

Index No. 307415/12

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 24, 2016,

And plaintiff-appellant having moved, pro se, for an extension of time to perfect the appeal, for leave to prosecute said appeal as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-8740),

And defendants-respondents having cross-moved to dismiss the appeal as untimely [CPLR 5513] (M-8741),

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 plaintiff-appellant's motion is denied in its entirety and sua sponte, the appeal is dismissed for failure to timely perfect (M-8740).

Defendants-respondents' cross motion to dismiss the appeal as untimely is denied as academic (M-8471).

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 February 4, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Caf Dowlah,
Petitioner-Appellant,

-against-

M-8967
Index No. 653103/19

The City University of New York and
Queensborough Community College,
Respondents-Respondents,

To Vacate the Arbitrator's Opinion
and Award, dated 3/7/2019, pursuant
to CPLR Section 7511.

-----X

Petitioner, pro se, movant having moved to enlarge to record with respect to the appeal taken from an order of the Supreme Court, New York County, entered on or about September 11, 2019, which denied the petition, and granted respondents' cross-motion to dismiss the special proceeding,

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

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

BEFORE: Hon. Judith J. Gische
Associate Justice of the Appellate Division

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

-against-

M-526
Ind. No. 2607/2018
Case No. 2020-00812

Jean Mena,

Defendant.

-----X

An application having been made by defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, Bronx County (Jeanette Rodriguez-Morick, J.), as set forth in an order of that court, dated January 23, 2020, which granted the People's motion for a protective order, and, upon review, to vacate the ruling,

Now, upon reading and filing the papers with respect to the application, it is

Ordered that the application is granted solely to the extent that defense counsel is permitted to give defendant and defendant may possess one copy of the grand jury testimony. On consent of defense counsel the defendant will not otherwise duplicate or disseminate, in whole or in part, the copy he is provided, which shall be watermarked. The other provisions of the protective order shall remain in effect. The court improvidently exercised its discretion to the extent it prohibited defendant from

receiving a copy of these materials. The People failed to establish good cause, based on the statutory factors in CPL 245.70(4), to withhold these materials from defendant. The People's policy arguments about the general importance of grand jury secrecy cannot be reconciled in this case with the statutory mandate that these materials be disclosed to defendant (CPL 245.20[1][b] [grand jury testimony]. There is insufficient record support for the People's claim that permitting defendant to have a copy of these materials will increase any risk that the safety of a witness may be endangered, or pose an increased risk of witness intimidation, harassment or embarrassment, because the witness information in the grand jury minutes is otherwise fully known to defendant. The People have failed to show that any risk to witnesses is made greater by defendant having a copy of the grand jury minutes, and it is further

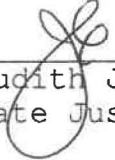
Ordered that the papers submitted in connection with the motion which were sealed by the motion court and/or disclose the matters in the papers which were sealed by the motion court shall continue to be sealed, and it is further

Ordered that the exhibit(s) submitted by the People under seal shall be sealed by the Clerk of the Court.

Dated: January 31, 2020
New York, New York

ENTERED

FEB 04 2020



Hon. Judith J. Gische
Associate Justice

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

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

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

M - 8471
Ind. No. 2209/04

-against-


CERTIFICATE
DENYING LEAVE

Lamaar Pleasant,

Defendant.
-----X

I, Cynthia S. Kern, 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, section 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 (Robert Mandelbaum, J.), entered on July 25, 2019, is hereby denied.

Dated: January 21, 2020
New York, New York



Hon. Cynthia S. Kern
Associate Justice

ENTERED: FEB 04 2020

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-8473
Ind. No. 662/04

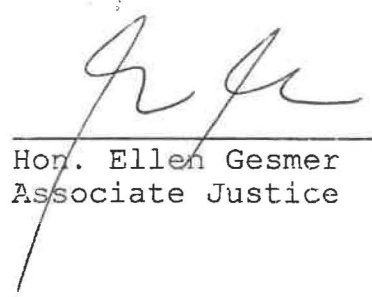
-against-

CERTIFICATE
DENYING LEAVE

Von Wynn,

Defendant.
-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that, upon the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15; there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 24, 2005 is denied.



Hon. Ellen Gesmer
Associate Justice

Dated: January 15, 2020
New York, New York

ENTERED: FEB 04 2020

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-8668
Ind. No. 5904/2012

-against-

CERTIFICATE
DENYING LEAVE

Mohd Norazam Muhammad,

Defendant.
-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that, upon the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 30, 2019 is denied.



Hon. Ellen Gesmer
Associate Justice

Dated: January 29, 2020
New York, New York

ENTERED:

Corrected - February 4, 2020

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-8815
Ind. No. 2166/12

-against-

Drury Duval,
Defendant-Appellant.

CERTIFICATE
GRANTING LEAVE TO
APPEAL TO THE
COURT OF APPEALS

-----x

I, Ellen Gesmer, a Justice of the Appellate Division, First Department, do hereby certify that in the record and proceedings herein questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: January 15, 2020
New York, New York

ENTERED:

Description of Order:

Decision and Order of the App. Div., First Dept., Appeal No. 9262, entered November 26, 2019, which affirmed a judgment of the Supreme Court, **Bronx** County, rendered December 4, 2015, as amended January 5, 2016.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.