

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 20, 2020.

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

-----X
Kasowitz Benson Torres LLP,
Plaintiff-Appellant,

-against-

M-385
Index No. 161852/18

Patrick Marron,
Defendant-Respondent.

-----X

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

Now, upon reading and filing the Notice of Withdrawal of Notice of Appeal dated January 16, 2020, filed by counsel for plaintiff-appellant, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with said Notice.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

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

-----X

Mariel Buque,
Plaintiff-Appellant,

-against-

M-415
Index No. 805205/12

Alexander Santiago, et al.,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 20, 2020.

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

-----X

Kevin Morales, et al.,
Plaintiffs-Respondents,

-against-

Chandra S. Menon, M.D.,
Defendant-Appellant,

M-416
Index No. 25358/15

-and-

Montefiore Medical Center, et al.,
Defendants

-----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 correspondence from counsel for defendant-appellant dated December 4, 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 20, 2020.

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

-----X

In the Matter of the Application of
FASCore, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-431
Index No. 151215/19

-against-

Robert Linn, as Commissioner of the
City of New York Office of Labor
Relations and Chair of the New York
City Deferred Compensation Board,
et al.,
Respondents-Respondents.

-----X

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

Now, upon reading and filing the correspondence from counsel for petitioner-appellant dated January 9, 2020, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

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

-----X

Itria Ventures LLC,
Petitioner-Appellant,

-against-

M-597
Index No. 158569/18

JPMorgan Chase Bank, NA, et al.,
Respondents-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 8, 2019, and said appeal having been perfected,

Now, upon reading and filing the Stipulation of Discontinuance of Appeal of the parties hereto, dated January 27, 2020, 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 20, 2020.

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

-----X
Marcus Sykes,
Plaintiff-Respondent,

-against-

M-606
Index No. 152962/15

The City of New York, New York City
Transit Authority and Metropolitan
Transportation Authority,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the Stipulation Withdrawing Appeal of the parties hereto, dated January 28, 2020, 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 20, 2020.

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

-----x

Ana Polanco,
Plaintiff-Respondent,

-against-

M-612X
Index No. 150446/13

Otis Elevator Company,
Defendant-Appellant,

PGREF II 60 Wall Street, LP, et al.,
Defendants.

-----x

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 29, 2020, 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 20, 2020.

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

-----x

Marine Bulkheading, Inc.,
Plaintiff-Respondent,

-against-

M-615X
Index No. 302497/08

Generation Next of Zerega, L.L.C. and
E & Y Development of NY, LLC.,
Defendants-Appellants.

-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 23, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 2020, 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 20, 2020.

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

-----x

Rachael Sabbagh,
Plaintiff-Respondent,

-against-

M-616X
Index No. 162430/15

Good Nature 1045, Inc., doing business
as Good Nature Deli,
Defendant-Appellant.

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 20, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 2020, 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 20, 2020.

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

-----x

Abel Sotarriba,
Plaintiff-Respondent-Appellant,

-against-

346 West 17th Street LLC, et al.,
Defendants-Respondents-Appellants.

- - - - -

346 West 17th Street LLC, et al.,
Third-Party Plaintiffs-Respondents-
Appellants,

M-7204
Index No. 113027/11

-against-

Sigma Electric, Inc.,
Third-Party Defendant-Respondent-
Appellant.

- - - - -

[And a Second Third-Party Action]

-----x

An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 7, 2019,

And defendants/third-party plaintiffs-respondents-appellants, 346 West 17th Street LLC, et al., having moved for an order permitting them to supplement the joint record on appeal, and extending the time for all parties to file their respective reply briefs,

Now, upon reading and filing the correspondence from counsel for defendants/third-party plaintiffs-respondents-appellants filed January 24, 2020, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 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-7310
Ind. No. 27/10

David Delgado,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 15, 2014 (Appeal No. 12216), unanimously modifying a judgment of the Supreme Court, Bronx County (Dominic R. Massaro, J.), rendered on August 1, 2012,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated January 6, 2020, and due deliberation having been had thereon,

It is ordered that the motion 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 20, 2020.

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

-----X
In the Matter of a Support Proceeding

Jill A. F.,
Petitioner-Respondent,

-against-

Confidential
M-257
Docket No. F-23274-15/18F

Felix S.,
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, Bronx County, entered on or about December 18, 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 Lee Coppage, Esq., dated January 8, 2020, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and

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

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February 20, 2020

(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 February 20, 2020.

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

-----X
In the Matter of a Paternity Proceeding

Latifah A. M.,
Petitioner-Respondent,

Confidential

M-258

-against-

Docket No. P-23217/18

Frances S. P.,
Respondent-Appellant.

Alexandra Roisman, Esq., The Children's
Law Center, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 7, 2020, 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 Carole M. Levy, Esq., dated January 10, 2020, 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, John R. Eyerman, Esq., 225 Broadway, Suite 1800, New York, New York 10007, Telephone No. 212-921-0069, as counsel for purposes of prosecuting the appeal;

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

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

-----X
In the Matter of a Family Offense
Proceeding under Article 8 of the
Family Court Act

William C.,
Petitioner-Appellant,

Confidential

M-259

Docket No. O-01220-19/19B

-against-

Chynna 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, New York County, entered on or about November 20, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion and the certification of Maria M. Curran, Esq., dated December 27, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, No. 176, Larchmont, New York 10538, Telephone No. 914-419-8407, 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, 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 February 20, 2020.

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

-----X

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

CONFIDENTIAL
M-260

Anthony G.,
Petitioner-Respondent,

Docket Nos. V-27648/17
V-3004/19

-against-

Stephanie H.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about October 2, 2019, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Edward J. Rinaldi, Esq., filed with this Court on January 10, 2020, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, # 176, Larchmont, New York 10538, Telephone No. 914-419-8407, as counsel for purposes of responding to the appeal;

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February 20, 2020

(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, 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 February 20, 2020.

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

-----X

In the Matter of a Family Offense Proceeding

Dionisio L.,
Petitioner-Appellant,

Confidential
M-302

-against-

Docket Nos. V-43310-14/16A
V-43487-14/16A
V-43310-14/16B
V-43487-14/16B

Albania L.,
Respondent-Respondent.

- - - - -

Jo Ann Douglas, Esq.,
Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about December 26, 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 Jonathan A. Nelson, Esq., dated January 3, 2020, 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York 11753, Telephone No. 603-313-1951, as counsel for purposes of prosecuting the appeal;

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

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

-----X
In the Matter of

Itzel A.
Jaidi A.
Madelin A.

Children Under 18 Years of Age Alleged **CONFIDENTIAL**
to be Neglected/Abused Under **M-349**
Article 10 of the Family Court Act. Docket Nos. NA-33178-80/17

Administration for Children's Services,
Petitioner-Respondent,

-against-

Jose V. also known as Osiel V.,
Respondent-Appellant,
-----X

Beatrice Mayol, Esq., court attorney for the child Madelin A., having moved on the child's behalf 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 October 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Beatrice Mayol, Esq., dated December 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 §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the appeal on behalf of the child Madelin A.;

(2) permitting said child 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, 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. (See, M-376, dated February 20, 2020, released simultaneously herewith.)

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 20, 2020.

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

-----X
In the Matter of

Itzel A.
Jaidi A.
Madelin A.

Children Under 18 Years of Age Alleged **CONFIDENTIAL**
to be Neglected/Abused Under **M-376**
Article 10 of the Family Court Act. Docket Nos. NA-33178-80/17

Administration for Children's Services,
Petitioner-Respondent,

-against-

Jose V. also known as Osiel V.,
Respondent-Appellant,

Yorbelly R.,
Non-Party-Respondent,

-----X

Non-party-respondent mother, Yorbelly R., 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 October 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Lisa M. Licata, Esq., dated January 17, 2020, 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, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, New York 10007, Telephone No. 646-775-8994, as counsel for Yorbelly R. 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, 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. (See M-349, dated February 20, 2020, released simultaneously herewith.)

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 20, 2020.

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

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

- - - - - **CONFIDENTIAL**
Yasmin A., M-435
Petitioner-Respondent, Docket No. V-43149-15/16A

-against-

Patricia S.,
Respondent-Appellant,
- - - - -
Anna Schissel, Esq., Lawyers for
Children, Attorney for the Child.

-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the perfected appeal taken from an order of the Family Court, New York County, entered on or about July 19, 2017, 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 Elizabeth Callaghan, Esq., dated January 15, 2020, and due deliberation having been had thereon, it is

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, New York, 10007, Telephone 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

(M-435)

-2-

February 20, 2020

party to the 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. Sua sponte, the appeal is adjourned 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 20, 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-27

-against-

Ind. Nos. 587/19

Tomas Dunn,
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 September 19, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 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-28

Ind. Nos. 905/19

Tomas Dunn,
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 September 19, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 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-209

-against-

Ind. No. 2861/17

Demetrius Lindsay,
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 March 1, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 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-8255
Ind. Nos. 2972/17
3858/18

Kaleem Bing,
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 June 5, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 February 20, 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-8602
Ind. No. 2836/17

James Ross,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on July 18, 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 July 18, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 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-8940
Ind. No. 2410/17

Marvin Thomas, also known as
Marvens Thomas,
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 November 29, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

(M-8940)

-2-

February 20, 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 February 20, 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-8945
Ind. No. 2398/17

Jose Villar,
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 January 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 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-8945)

-2-

February 20, 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 February 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
342 East 50th Street, LLC,
Plaintiff-Appellant,

-against-

M-481
Index No. 154507/18

Deborah Privitello,
Defendant-Respondent.

-----X

Appeals having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 18, 2019, which, inter alia, awarded defendant-respondent judgment against plaintiff-appellant in the amount of \$118,712.00, and from five previous orders of the same court and Justice, two each entered on or about April 1, 2019 and March 19, 2019, and one entered on or about June 18, 2019,

And an order of this Court having been entered on January 9, 2020 (M-8679), extending plaintiff-appellant's time in which to perfect the appeals to the May 2020 Term of this Court, with no further extensions to be granted,

And defendant-respondent having moved for an order granting reargument of the aforementioned order of this Court dated January 9, 2020 (M-8679), and dismissing plaintiff-appellant's appeals for failure to perfect same by the deadline set forth in an order of this Court, entered October 22, 2019, which directed that the appeals be perfected on or before December 2, 2019 for the February 2020 Term, (M-6799),

(M-481)

-2-

February 20, 2020

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 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

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

-against- M-208
Ind. Nos. 1351/18
Angel Villafane, 1096/18
Defendant-Appellant.

-----X

Defendant-appellant 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 October 21, 2019,

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

It is ordered that the motion is granted to the extent of deeming the 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 February 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-235
Ind. No. 1102/16

Guillermo Pagan,
Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 5, 2017, 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 February 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-238
Ind. No. 3936/15

Larry Rojas,
Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order to be relieved, or in the alternative, dismissing the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 16, 2017, 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 February 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

-----X
Monterae Boglin,
Plaintiff-Appellant,

-against-

M-239
Index No. 305089/15

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

Plaintiff-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 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 October 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 February 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of

Akila A.,
Muzik T. A., and
Nakayla P.,

Children Under 18 Years of Age Alleged
to be Abused Under Article 10 of the
Family Court Act.

M-336
Docket Nos. NA-28854/17
NA-28855/17
NA-28856/17

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Bishme A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, entered on or about December 10, 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 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 20, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Barbara R. Kapnick
Peter H. Moulton
Lizbeth González, Justices.

-----x
Leon Simon and Grace Edwards-Simon,
Plaintiffs-Respondents,

M-459
Index No. 305209/13

-against-

Bernard Lewis,
Defendant-Appellant,
-----x

Separate appeals having been taken to this Court by defendant-appellant from orders of the Supreme Court, Bronx County entered on or about March 11, 2019, and on or about January 22, 2019, and the appeal from the order entered on or about January 22, 2019, having been perfected and calendared for the March 2020 Term (Cal. No. 2019-1116, Case No. 2019-00653),

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal from the order entered on or about March 11, 2019, and upon vacatur, for an extension 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the June 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 February 20, 2020.

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

-----x

Maura O'Neill,
Plaintiff-Appellant,

-against-

M-8
Index No. 100334/18

Deutsche Bank Securities, Inc.,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an order extending the time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 22, 2019 and, pursuant to 22 NYCRR 1250.5(e)(10), permitting her to proceed upon the original 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 pursuant to 22 NYCRR 1250.10(c), is granted, the appeal reinstated, and the time to perfect said appeal is extended to the June 2020 Term, and it is further,

Ordered that the appeal is permitted 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,

(M-8)

-2-

February 20, 2020

together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 20, 2020.

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

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

-against- **M-11**
Ind. No. 3169/16

Randall Jordan,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 6, 2017(M-2016) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 9, 2017, and assigning Rosemary Herbert, Esq., predecessor to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or, in the alternative, to dismiss the appeal and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn, and is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

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

-----X

Anonymous (2017-1),
Plaintiff-Appellant,

Confidential
M-40

-against-

Index No. 350037/16

Anonymous (2017-2),
Defendant-Respondent.

-----X

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

And the attorneys for plaintiff-appellant having moved, pursuant to DR-2-110, 22 NYCRR 1200.15(a)(1), (c)(iv) and (vi), and CPLR 321(2), for an order permitting them to withdraw as counsel for plaintiff, and for an extension of time in which to perfect said appeal,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of the appeal and, upon reinstatement, relieving The Law Offices of Thomas F. Liotti, LLC and Thomas F. Liotti, Esq., as counsel for plaintiff, and extending the time in which to perfect the appeal 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 20, 2020.

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

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

-against-

M-8879
Ind. No. 961/17

Steven Wilson,
Defendant-Appellant.

-----X

Defendant, pro se, having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2019,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 20, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Barbara R. Kapnick
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----x
Denise A. Rubin,
Plaintiff-Respondent-Appellant,

-against-

Napoli Bern Ripka Shkolnik, LLP,
et al.,
Defendants-Appellants-Respondents,

M-301
Index No. 154060/15

-and-

Paul J. Napoli,
Defendant-Respondent.

-----x
An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 30, 2018,

And defendants-appellants-respondents having moved to dismiss plaintiff-respondent-appellant's cross appeal,

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

It is ordered that the motion is denied as academic, the appeal and cross appeal having been decided by a decision and order of this Court entered on January 14, 2020, (Appeal No. 10738N).

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 20, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Cynthia S. Kern, Justices.

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

- - - - -
Douglas W.,
Petitioner-Appellant,

CONFIDENTIAL

M-358
Docket Nos. V-32295-15/17D

-against-

Yuanning W.,
Respondent-Respondent.

- - - - -
Janet E. Sabel, Esq., The Legal Aid
Society, Attorney for the Children.
-----x

Petitioner-appellant having moved for an extension of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about June 27, 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 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 February 20, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzaelli
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Natixis Real Estate Capital Trust
2007-HE2, by Computershare Trust
Company, National Association, solely
in its capacity as Separate Securities
Administrator,
Plaintiff-Respondent,

M-383
Index No. 153945/13

-against-

Natixis Real Estate Capital, Inc.,
Defendant-Appellant.

- - - - -
Natixis Real Estate Holdings LLC,
successor-in-interest to Natixis
Real Estate Capital Inc., formerly
know as Ixis Real Estate Capital Inc.,
Third-Party Plaintiff-Respondent-
Appellant,

Index No. 565610/15

-against-

Wells Fargo Bank, N.A.,
Third-Party Defendant-Appellant-
Respondent.

-----x
Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 10, 2019,

And defendant-appellant/third-party plaintiff-respondent-appellant Natixis Real Estate Holdings LLC, successor-in-interest to Natixis Real Estate Capital, Inc., having moved for an order directing the Clerk of this Court to issue a second, separate Appellate Division calendar Number relating to the appeal taken

by Natixis from the portion of the order resolving the plaintiff's motion to dismiss the first party action or, in the alternative, permitting Natixis to pursue that portion of the appeal utilizing a separate record and brief under the same Appellate Division calendar number,

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 20, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Ubaldo Romero,
Petitioner,

M-8295

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

O.P. 4842

-against-

Karen F. Agnifilo, etc., et al.,
Respondents.

-----X
The People of the State of New York
ex rel. Ubaldo Romero,
Petitioner,

Ind. No. 9241/99

-against-

Hon. Robert Morgenthau, District
Attorney, New York County, etc.

-----X
An order of this Court having been entered on October 17, 2001 denying petitioner's application for relief pursuant to Article 78 of the Civil Practice Law and Rules (O.P No. 4842, M-4069),

And an order of this Court having been entered on October 17, 2001, granting petitioner's application for a writ of habeas corpus and transferring the matter to the Ex Parte Office of the Supreme Court, New York County, for issuance of said writ and service upon the respective parties (Ind. No. 9241/99, M-5107),

And an order of this Court having been entered on or about August 5, 2008 correcting the aforesaid orders of this Court (M-4069 and M-5107) to reflect that the applications are related only to Ubaldo Romero (M-3049),

And petitioner having moved to amend this Court's previous order entered October 17, 2001 (Ind. No. 9241/99, M-5107), "to make it reflect what this court's holding clearly intended," and for poor person relief,

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

It is ordered that 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 February 20, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Peter H. Moulton
Lizbeth González, Justices.

-----X

Lewis Kivo,
Plaintiff-Appellant,

-against-

M-237
Index No. 100135/14

Louis F. Burke, P.C. and Louis F.
Burke, Individually,
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 January 23, 2019, and the appeal having been perfected,

And defendants-respondents having moved for an order: (1) extending their time to respond to the appeal; and (2) enlarging the Record on Appeal to include certain content omitted by plaintiff-appellant, with costs,

And the appeal having been adjourned to the April 2020 Term by an interim order of a Justice of this Court, dated January 2, 2020,

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 granting defendants leave to file a supplemental record to include the items specified in paragraph 14(a) - 14(g) of the affirmation in support of the motion, with costs to abide the appeal. The perfected appeal is adjourned to the May 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 20, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

M-885

Ind. No. 4903/12

-against-

Christopher Wilson,
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 July 31, 2015,

And defendant-appellant having moved for an order: (1) granting an extension of time in which to perfect the appeal; and (2) enlarging the Record on Appeal to include five (5) letters, addressed to Hon. Edward J. McLaughlin, for consideration in sentencing the defendant, copies of which are annexed to the Notice of Motion,

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 Record on Appeal to include the above referenced letters and extending the time in which to perfect the appeal 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 February 20, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of Samuel Miller,
Petitioner-Respondent,

For the Appointment of a Guardian for M-24
the Person and Property Management of M-236
Index No. 500306/17
Emily Shen-Miller, an allegedly
Incapacitated Person,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 24, 2018, and two orders of said Court, entered on or about March 26, 2019,

And respondent-appellant having moved, by separate motions, for an extension of time to perfect the appeal (M-24), and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-236),

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

It is ordered that the motions are granted to the extent of deeming the motion for an extension of time to perfect the appeal as one to vacate the dismissal of the appeal and, as such, the motion is granted, the appeal reinstated and the time to perfect said appeal is extended to the September 2020 Term (M-24). The appeal is permitted 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 subpoena and filing of the record (M-236).

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 20, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-142
Ind. No. 137/18

Shawn Washington,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 12, 2019 (M-8176) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 15, 2019, 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 Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 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 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 February 20, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

M-8890
Ind. No. 4017/17

Isaiah Goodson,
Defendant-Appellant.

-----X

Defendant having moved, pro se, for an extension of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 12, 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 as unnecessary, a notice of appeal having been 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 February 20, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

Juan Scott,
Defendant-Appellant.

CONFIDENTIAL

M-8950
Ind. Nos. 4821/14
4860/14

-----X

An order of this Court having been entered on August 9, 2018 (M-2989), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 7, 2016, under Indictment No. 4821/14, and assigning counsel therefor,

And an order of this Court having been entered on November 13, 2018 (M-4638), inter alia, amending the aforementioned order of assignment and the notice of appeal to include Indictment No. 4860/14, and extending the poor person relief previously granted to cover same,

And defendant-appellant having moved for an order amending the notice of appeal and order of assignment to include the judgment of **resentence**, same Court, rendered on or about December 6, 2019, under Indictment Nos. 4821/14 and 4860/14,

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 defendant's notice of appeal and this Court's order of assignment to include the judgment of **resentence**, same Court, rendered on or about December 6, 2019 under Indictment Nos. 4821/14 and 4860/14, and extending the poor person relief previously granted to cover same, and it is further,

Ordered that the time within which defendant-appellant may perfect the appeal 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 February 20, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-205
SCI. No. 461/18

Lauren Valente,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 25, 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 as academic, a timely notice of appeal having been filed on May 6, 2019.

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 20, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-219
Ind. No. 503/11
3438C/11

Mark McDonald,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2017,

And defendant-appellant having moved for an order (i) expanding the judgment roll to include the minutes of certain pre-trial adjournments, in order to assess the merits of his motion alleging a violation of his constitutional right to a speedy trial, (ii) directing the court reporter(s) to transcribe the minutes and file two copies with the court; and (iii) extending his time to perfect the appeal to 180 days from the filing of those minutes, 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 expanding the judgment roll to include the minutes specified in paragraph 6 of the affirmation in support of the instant motion, directing the court reporter(s) to transcribe the minutes and file two copies with the court, and enlarging the time to perfect the appeal to the September 2020 Term of this Court.

ENTERED:



CLERK

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

BEFORE: Hon. David Friedman
Associate Justice of the Appellate Division

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

ORDER
M-763

-against-

Ind. No. 3900/2018
Case No. 2020-01238

Anthony Casiano

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, New York County (Mennin, J.), as set forth in an order of that court, dated February 6, 2020, which granted in part the People's motion for a protective order, and, upon review, to vacate or modify the ruling to the extent that it authorizes the People to delay disclosure of the name, contact information, and identifying information of the complainant,

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

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the application are deemed to be filed under seal and shall continue to be sealed.

Hon. David Friedman
Associate Justice

Dated: February 18, 2020
New York, New York

ENTERED: February 20, 2020

CORRECTED ORDER - February 24, 2020

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

BEFORE: Hon. David Friedman
Associate Justice of the Appellate Division

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

ORDER
M-776

-against-

Ind. No. 2659/2017
Case No. 2020-01270

Romello Lavan

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** (Neary, J.), as set forth in an order of that court, dated February 5, 2020, which granted in part the People's motion for a protective order, and, upon review, to vacate or modify the ruling to the extent that it permits the People to delay disclosure of the names of the victims (who appear to be minor-aged females),

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

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the application are deemed to be filed under seal and shall continue to be sealed.



Hon. David Friedman
Associate Justice

Dated: February 18, 2020
New York, New York

ENTERED:

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

BEFORE: Hon. David Friedman
Associate Justice of the Appellate Division

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

-against-

Carlos Phillips,

Defendant.
-----X

ORDER

M-617

Ind. No. 1795/2019

Case No. 2020-00893

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 (Fabrizio, J.), as set forth in an oral decision on January 28, 2020 and corrected decision and order, dated February 5, 2020, which granted the People's motion for a protective order in part, and, upon review, to vacate or modify the ruling to the extent that it (1) prohibited defendant from learning the name of the complaining witness and from viewing any discovery that leaves the complaining witnesses's name unredacted, and (2) prohibited defendant from possessing a copy of the grand jury minutes of the complaining witnesses's testimony,

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

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the motion are deemed to be filed under seal and shall continue to be sealed.

Hon. David Friedman
Associate Justice

Dated: February 19, 2020
New York, New York

ENTERED: February 20, 2020