

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 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-1445  
SCI No. 741/18

Peter Soto,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 7, 2018,

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

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X  
Phoebe Jonas,

Plaintiff-Appellant,

-against-

M-1468  
Index No. 155925/18

Bayer Corporation, et al.,

Defendants-Respondents.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 16, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X  
Devorah Young as Administratrix of the  
Estate of Camille McKay and Devorah  
Young, Individually,  
Plaintiffs-Respondents,

-against-

M-1488  
Index No. 26824/19E

Montefiore Medical Center,  
Defendant,

Jopal Bronx, LLC doing business as  
Workmen's Circle Multicare Center,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 7, 2019,

Now, upon reading and filing the correspondence from attorney for defendant-appellant, dated March 17, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

Zucker Real Estate Corp.,  
Plaintiff-Appellant,

-against-

M-1489  
Index No. 157614/16

Milton E. Wilson, et al.,  
Defendants-Respondents.

-----X

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

Now, upon reading and filing the correspondence from attorney for plaintiff-appellant, dated March 18, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

Justin Theroux,  
Plaintiff-Respondent,

-against-

Norman J. Resnicow,  
Defendant-Appellant,

M-1490  
Index No. 154642/17

Barbara Resnicow,  
Defendant,

-and-

71 Washington Place Owners, Inc. and  
Board of Directors of 71 Washington Place  
Owners, Inc.,  
Nominal Defendants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated March 20, 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 June 25, 2020.

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

-----X

Carl J. Zampino, Jr.,  
Plaintiff,

-against-

M-1496  
Index No. 113335/11

Structure Tone, Inc., and  
The City of New York,  
Defendants.

-----X

Structure Tone, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 590739/12

Scottsdale Insurance Company,  
Call-A-Head Corp. and Call-A-Head  
Portable Toilets, Inc.,  
Third-Party Defendants-Appellants.

-----X

An appeal by third-party defendants-appellants having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2018,

Now, upon reading and filing the correspondence from counsel for third-party defendants-appellants dated March 16, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

T.P., an infant under the age of fourteen (14) by his mother and natural guardian, Elizabeth DeCastro, and Elizabeth DeCastro, Individually,  
Plaintiffs-Respondents,

M-1497  
Index No. 27162/17E

-against-

Ethlyn Boreland, N.P., Jack D. Weiler  
Hospital of Albert Einstein College of  
Medicine, a Division of Montefiore Medical  
Center and Montefiore Medical Center,  
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated March 17, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

Andrea Mednick Ponchak,  
Plaintiff-Respondent,

-against-

**M-1498**

Index No. 160508/18

Michael P. Stafford, Jr.,  
Defendant-Appellant,

Farrell Fritz, P.C.,  
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 24, 2020,

Now, upon reading and filing the stipulation of the parties hereto, dated March 11, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X  
Stuart Lederer,  
Plaintiff-Respondent,

-against-

**M-1514**  
Index No. 652436/19

Mizrahi Development Group  
[The One], Inc.,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 25, 2020, and due deliberation having been had thereon,

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

Joseph Fisher,  
Plaintiff-Respondent,

-against-

**M-1524**

Index No. 652246/19

Patrick Stone formerly known as  
Patrick O'Brien,  
Defendant,

Andrew Davis,  
Nonparty Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 24, 2019, which denied nonparty Andrew Davis's motion to intervene under CPLR 1012 and CPLR 1013,

And plaintiff-respondent having moved to dismiss the aforementioned appeal,

And a decision and order of this Court having been entered on May 28, 2020 (Appeal No. 11587N) affirming the aforementioned order denying nonparty Andrew Davis's motion to intervene,

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 to dismiss the appeal is denied as academic.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Troy K. Webber  
Lizbeth González, Justices.

-----X  
Paul Crawford,  
Plaintiff-Appellant-Respondent,

-against-

M-1419  
Index No. 22820/14

14 E 11 Street, et al.,  
Defendants-Respondents,

-and-

Everest Scaffolding, Inc.,  
Defendant-Respondent-Appellant.

-----X  
(And Other Actions)  
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about September 20, 2020, and said appeal having been perfected,

And plaintiff-appellant-respondent having moved for an order staying the trial in the above-entitled action pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Angela M. Mazzarelli  
Troy K. Webber  
Lizbeth González, Justices.

-----X

111 West 57th Investment LLC, on behalf  
of itself and derivatively on behalf of  
111 West 57th Partners LLC and 111 West  
57th Mezz 1 LLC,  
Plaintiff-Appellant,

-against-

**M-1516**

Index No. 653067/19

111 West 57th Property Owner LLC.,  
Defendant-Respondent,

111 West 57th Partners LLC and 111  
West 57th Mezz 1 LLC.,  
Nominal Defendant-Respondent.

-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about August 8, 2019 (Case No. 2019-22702), which granted defendant-respondent's motion to cancel a notice of pendency, and March 2, 2020 (Case No. 2020-01922), which granted defendant-respondent's motion to dismiss the complaint, and the appeal from the August 8, 2019 order having been perfected,

And plaintiff-appellant having moved to withdraw the perfected appeal taken from the August 8, 2019 order in favor of the appeal taken from the March 2, 2020 order, or in the alternative, should the appeal from the March 2, 2020 order not bring the August 8, 2019 order up for review, to: (i) stay enforcement of the March 2, 2020 order, thereby precluding entry of judgment on same, (ii) consolidate the appeals and grant a calendar preference, and (iii) continue the stay of the sale or transfer of the subject property, other than the sale of individual condominium units in the ordinary course of business, granted by order of this Court entered October 10, 2019 (M-6811), pending the hearing and determination of the appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 3, 2020, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the Clerk to calendar both appeals, to be heard together on the same date of the October 2020 Term, to which Term the perfected appeal taken from the August 8, 2019 order is adjourned, on condition the appeal taken from the March 2, 2020 order is timely perfected for said October 2020 Term. The stay of the sale or transfer of the subject property, other than the sale of individual condominium units in the ordinary course of business granted by the order of this Court entered on October 10, 2019 (M-6811) is continued pending the hearing and determination of the appeals, on condition the appeal taken from the March 2, 2020 order is timely perfected.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-286  
Ind. No. 2279/15

Crissy Crenshaw,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 31, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----x

Mary Gibbs, Individually and as the Daughter and the Proposed Guardian Ad Litem of Henry Gibbs, an Incapacitated Adult Incapable of Adequately Prosecuting His Rights, and Levonia McCray, Individually and as the Son and the Proposed Administrator of the Estate of Belton Ganett, Deceased, and on behalf of all others similarly situated,  
Plaintiffs-Respondents,

**M-1435**  
Index No. 23705/15E

-against-

Kings Harbor Health Services, LLC,  
doing business as Kings Harbor  
Multicare Center,  
Defendant-Appellant.

-----x

Defendant-appellant having moved for an extension of time to perfect the appeals taken from orders of the Supreme Court, Bronx County, entered on or about March 7, 2019 and September 25, 2019, and for a continuation of a stay originally granted by an order of this Court entered on November 22, 2019 (M-7905), and extended by an order of this Court entered on January 21, 2020 (M-8839),

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



(M-1435)

-2-

June 25, 2020

It is ordered that the motion is granted, and the time in which to perfect the appeals is extended to the October 2020 Term. The stay continued by the order of this Court entered January 21, 2020 (M-8839) is hereby continued pending hearing and determination of the appeals.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----X

Amy Butte Liebowitz,  
Plaintiff-Appellant,

-against-

David Liebowitz,  
Defendant-Respondent.

-----X

**CONFIDENTIAL**

M-1438

Index No. 313944/15

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 10, 2020,

And plaintiff-appellant having moved for a stay of the hearing on this matter and the enforcement of the aforesaid order 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 denied.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

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

-against-

**M-276**  
Ind. No. 4477/16

Angelique Mejias,  
Defendant-Appellant.  
-----X

Defendant having moved for an extension of time in which to file a late notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 27, 2017, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and typewritten briefs, and 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, said appeal having been decided by an order of this Court, entered on December 3, 2019 (Appeal No. 10481).

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

-----X  
Corey J. Morrison, as Executor of the  
Estate of Joseph C. Silkes, Deceased,  
Plaintiff-Respondent,

-against-

M-997  
Index No. 800036/12

The New York and Presbyterian  
Hospital, New York Presbyterian-  
Columbia University Medical Center,  
Yoshifumi Naka, M.D., Desmond Jordan,  
M.D., and Robert Sladen, M.D.,  
Defendants-Appellants,

Ezequiel Molina, M.D., David Richard  
McIlroy, M.D., Jessica Spellman, M.D.  
and Vivek Moitra, M.D.  
Defendants.

-----X

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

And defendants-appellants having moved for an extension of time to perfect the appeal to 90 days after the expiration of the stay imposed by the trial court during the pendency of plaintiff's counsel's motion to be relieved, and

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

It is ordered that the motion, deemed to include a request to vacate the dismissal of the appeal, is granted to the extent of reinstating the appeal and extending the time to perfect same to the December 2020 Term, with leave to seek additional extensions if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

-----X

Michael Valentine,  
Plaintiff-Respondent-Appellant,

-against-

M-1080  
Index No. 302488/10

2147 Second Avenue, LLC, et al.,  
Defendants-Respondents,

Sunshine Quality Construction, Inc.  
and Gary Silver, Architects, P.C.,  
Defendants-Appellants-Respondents.

-----X

(And other third-party actions)

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about October 2, 2017 and October 26, 2017,

And defendant Gary Silver Architects, P.C., having moved for a further extension of time to perfect all appeals in this matter, and to continue the stay of trial, granted by an order of this Court entered September 13, 2018 (M-3476) and continued by orders of this Court entered March 12, 2019 (M-6705), September 17, 2019 (M-3265) and January 28, 2020 (M-8921), pending the hearing and determination of the appeals,

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

It is ordered that the motion is granted and the parties' time to perfect their respective appeals is extended to the December 2020 Term of this Court, with leave to seek further extensions if necessary. The stay of trial pending the hearing and determination of the appeals is continued.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

-----X  
Stacey Simmons,  
Plaintiff-Respondent,

-against-

M-1261  
Index No. 20007/16E

Rebecca E. Bergh and Catherine M.  
Bergh,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 29, 2019, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

-----X  
In the Matter of

Samuel M. H.  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**  
M-1375  
Docket No. Z-10491/19

Carolyn D.,  
Respondent-Respondent,  
-----

Subject of a Miscellaneous Proceeding.  
-----X

An order of this Court having been entered on or about October 22, 2019 (M-7223), granting petitioner-appellant leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 4, 2019, and assigning Anne Reiniger, Esq., as counsel to prosecute the appeal;

And assigned counsel, Anne Reiniger, Esq., having moved for an order relieving her as such counsel,

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

It is ordered that the within motion to be relieved as counsel is granted and, sua sponte, the appeal is dismissed.

ENTERED:

  
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CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh  
Lizbeth González, Justices.

-----X  
The Travelers Indemnity Company and  
Its Property Casualty Affiliates and  
Subsidiaries,  
Plaintiff-Appellant,

-against-

**M-1406**  
Index No. 654949/18

Dr. Jamie Gutierrez, Englewood  
Orthopedics Group P.C., Ambulatory  
Surgical Center of Englewood LLC and  
Arthur Avenue Medical Services P.C.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about June 5, 2019 and the judgment of the same court, entered on or about June 26, 2019,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeals to the September 2020 Term.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Angela M. Mazzairelli  
Ellen Gesmer  
Anil C. Singh  
Lizbeth González, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-774  
Ind. No. 4504/10

Virgilio Montero,  
Defendant-Appellant.

-----X

Defendant 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 October 1, 2019,

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

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

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present: Hon. David Friedman, Justice Presiding,  
Angela M. Mazzairelli  
Ellen Gesmer  
Anil C. Singh  
Lizbeth González, Justices.

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

-against-

M-1152  
Ind. No. 2869/14

Sekou Shutsha,  
Defendant-Appellant.

-----X

Respondent having moved to dismiss the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2018, and said appeal having been perfected,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh  
Lizbeth González, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1234  
Ind. No. 244/18

German Vasquez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 6, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Ellen Gesmer  
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  
of the Civil Practice Law and Rules,

M-1416  
Index No. 100395/18

-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 aforesaid 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 granted to the extent of extending the time to perfect the proceeding to the November 2020 Term.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Ellen Gesmer  
Anil C. Singh  
Lizbeth González, Justices.

-----X

Towaki Komatsu,  
Petitioner-Appellant,

-against-

M-1465  
Index No. 100054/17

New York City Human Resources  
Administration,  
Respondent-Respondent.

-----X

Plaintiff-appellant, pro se, having moved pursuant to CPLR 1101 and 1102 for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, rendered on or about February 27, 2020, 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 granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.



Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The court reporter shall promptly make and file with the Supreme Court one transcript of the stenographic minutes of any proceedings in this matter related to the order on appeal and the Clerk shall furnish a copy of such transcripts to appellant, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:

  
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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

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

-----X

Louis Tushaj,  
Plaintiff-Appellant,

**M-1282**  
Index No. 27580/16E

-against-

Montefiore Medical Center and  
Albert Einstein College of Medicine, Inc.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeals taken from two orders of the Supreme Court, Bronx County, entered on or about December 17, 2019 and February 3, 2020, and from a judgment of the same court, entered on or about February 19, 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 and the appeals are dismissed.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Ronald Valonis,  
Plaintiff-Appellant,

-against-

M-1360  
Index No. 101883/10

New York City Transit Authority,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for an order pursuant to CPLR 5513 dismissing the appeal taken from a judgment of the Supreme Court, New York County, entered on or about May 30, 2017,

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

It is ordered that, sua sponte, the motion is referred to the Special Referee Clerk, Rm 119, Supreme Court, New York County, 60 Center Street, New York, N.Y. 10007 (Tel. No. 646-386-3028) to schedule a traverse hearing, to hear and determine the issue of whether defendant's counsel served plaintiff's counsel on June 1, 2017 with the letter attached to the moving papers as Exhibit A, including the file-stamped copy of the aforesaid judgment entered May 30, 2017. The parties are granted leave to move in this Court to confirm or disaffirm the decision of the referee.

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Wells Fargo Bank, N.A.,  
Plaintiff-Respondent,

-against-

Lawson Ho-Shing, also known as M-1413  
Lawson H. Ho-Shing, Index No. 380685/13  
Defendant-Appellant,

Audrey Ho-Shing, also known as  
Audrey Scarlett Ho-Shing, et al.,  
Defendants.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about May 18, 2017,

And plaintiff-respondent having moved to dismiss the aforesaid appeal with costs,

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 that the appeal is dismissed.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Marc Seeler,  
Plaintiff-Appellant,

-against-

M-1507  
Index No. 157106/16

AMA Consulting Engineers, P.C.,  
AMA Development Infrastructure, LLC,  
Defendants-Respondents,

XYZ Corporation,  
Defendant.

-----X

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

And plaintiff-appellant having moved for an extension of time in which to perfect the aforesaid 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 extending the time to perfect the appeal to the November 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 June 25, 2020.

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

-----X  
True Gate Holding, Ltd.  
Plaintiff-Respondent.

-against-

M-1539  
Index No. 850142/12

Nourallah Baroukhian, Nourallah  
Baroukhian doing business as East  
115th Street Associates also known  
as East 115th Associates, and Mehry  
Noghrei,  
Defendants-Appellants,

Manouchehr Malekan, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an extension of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about May 17, 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 November 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 June 25, 2020.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Salish Lodge, LLC,  
Plaintiff-Appellant

-against-

M-1396  
Index No. 651839/19

Gift Management Inc., doing business  
as "Gift.Com,"  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2020,

And plaintiff-appellant having moved for an order staying so much of the order appealed from as vacated a restraining notice served on a certain bank account of defendant to maintain the status quo pending a ruling on plaintiff's 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 on condition the appeal is perfected for the November 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 June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-953**

Ind. No. 19/19

Derrick Casado,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a late notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 10, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division (See, Order, Supreme Court, Bronx County, entered December 10, 2019 granting poor person relief).

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



(M-953)

-2-

June 25, 2020

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1195**

Ind. No. 323/19

Ricardo Garcia,  
Defendant-Appellant.

-----X

Defendant having moved for an order deeming the moving papers a timely filed notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 3, 2019, and for leave to prosecute said appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, as well as the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds utilized to pay trial counsel's fee, and to post bail in the Supreme Court, the disposition of those funds, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1283  
Ind. No. 728/18

Edward Goldfaden,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2020, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth facts sufficient to establish defendant's indigency.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

-against-

**M-1309**

Ind. No. 3531/18

Manuel Cuevas,  
Defendant-Appellant.

-----X

Defendant 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 7, 2020, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, as well as the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds utilized to pay trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Kathryn Casey, et al.,  
Plaintiffs-Respondents, M-1355  
M-1378  
Pamela Renna, et al., Index No. 111723/11  
Intervenor-Plaintiffs-Respondents,  
-against-

Whitehouse Estates, Inc. et al.,  
Defendants-Appellants.  
-----X  
Whitehouse Estates, Inc., Eastgate  
Whitehouse LLC and William W. Koepfel,  
Third-Party Plaintiffs-Respondents, Third-Party  
Index No. 595472/17  
-against-

Roberta L. Koepfel, et al.,  
Third-Party Defendants-Appellants.  
-----X

Defendants-appellants and third-party defendants-appellants having separately moved for an enlargement of time to perfect their respective appeals taken from an order of the Supreme Court, New York County, entered on or about March 28, 2017,

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

It is ordered that the motions are granted to the extent of extending the time to perfect the appeals to the October 2020 Term.

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Harriet Tubman Gardens Apartment  
Corporation,  
Plaintiff-Appellant,

-against-

**M-1367**

Index No. 652532/14

H.T. Development Corporation,  
Bluestone Organization and York  
Restoration Corporation,  
Defendants-Respondents.

-----X  
Bluestone Organization, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Job Opportunities for Women, Inc.,  
Linden Construction Corp., Oldcastle  
Precast, Inc., also known as Oldcatsle  
Precase East Inc., N. Wexler, P.E., Inc.,  
Arthur Kahane Architect, P.C., Car-Win  
Construction, Inc., B&N Roofing & Sheet  
Metal Inc., Kings County Waterproofing  
Corp. and John Ellis and Associates  
Architects,  
Third-Party Defendants-Respondents.

-----X

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

And plaintiff-appellant having moved to vacate the dismissal of said appeal, and upon reinstatement, 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,

(M-1367)

-2-

June 25, 2020

It is ordered that the motion is granted, the dismissal vacated, the appeal reinstated, and the time to perfect same is extended 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 June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

Alexandros Demetriades,  
Plaintiff-Appellant,

**M-1376**

Index No. 156478/12

-against-

Royal Abstract Deferred, LLC.,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeals taken from a judgment of the Supreme Court, New York County, entered on or about July 23, 2019 and from an order, same court, entered on or about January 7, 2019, for an award of costs and expenses, including attorney's fees or, in the alternative, for an extension of time in which to file a respondent's 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 only to the extent of dismissing the appeals.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

In the Matter of the Application of  
David Golembiowski,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 75  
of the Civil Practice Law and Rules,  
Vacating the Arbitration Award In the  
Matter of Arbitration between the Port  
Authority of New York and New Jersey  
and Port Authority Police Benevolent  
Association, Docket 1404,

M-1399  
Index No. 652672/18

-against-

Port Authority of New York and New  
Jersey,  
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 22, 2018,

And petitioner-appellant having moved for an extension of time in which to perfect the aforesaid 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 extending the time to perfect the appeal to on or before September 8, 2020 for the November 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 June 25, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

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

Marnie Ann J.,  
Petitioner-Respondent,

**Confidential**  
**M-1479**

Docket No. F-36091-15/15A

-against-

Marco B.,  
Respondent-Appellant.

-----X

Appeals having been taken from two orders of the Family Court, New York County entered on or about May 30, 2019 and June 20, 2019,

And respondent-appellant having moved for an extension of time in which to perfect the appeals,

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 in which to perfect the appeals to the November 2020 Term.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 25, 2020.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Angela M. Mazzairelli  
Troy K. Webber  
Lizbeth González, Justices.

-----X  
Dana Jones,  
Plaintiff-Appellant,

-against-

**M-1287**  
Index No. 20823/18E

The New York and Presbyterian Hospital,  
Defendant-Respondent.

-----X

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

And plaintiff-appellant having moved to stay discovery pending hearing and determination of the aforementioned 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 and the interim relief granted by an order of a Justice of this Court, entered on February 25, 2020, 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 June 25, 2020.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzairelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

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

-against-

M-628  
Ind. No. 2443/15

Ondre Nelson,  
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 January 16, 2019, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 25, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Ellen Gesmer  
Jeffrey K. Oing  
Peter H. Moulton  
Lizbeth González, Justices.

-----X  
Ricky Zeglstein, M.D., et al., M-1369  
Plaintiffs-Appellants, M-1765  
Index No. 651198/14  
-against-

Michael J. Faust, M.D., et al.,  
Defendants-Respondents.

Jed Kaminetsky, M.D., et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved (M-1369) 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 January 21, 2020 (Appeal No. 10828N),

And plaintiffs-appellants having also moved (M-1765) for an order permitting them to withdraw their original reply affirmation submitted on May 16, 2020 in relation to the aforementioned motion (M-1369), and to substitute an amended reply,

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

It is ordered that plaintiffs-appellants' motion (M-1765) to withdraw their original reply affirmation and substitute an amended reply affirmation is granted; and

It is further ordered that plaintiffs-appellants' motion (M-1369) for reargument/leave to appeal to the Court of Appeals is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK



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

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

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

M-1140  
Ind. No. 249/1987

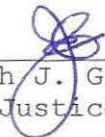
-against-

CERTIFICATE  
GRANTING LEAVE

Eric Smokes and David Warren  
Defendant-Appellant.  
-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendants to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about January 14, 2020.<sup>1</sup>

Dated: June 8, 2020  
New York, New York

  
\_\_\_\_\_  
Hon. Judith J. Gische  
Associate Justice

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

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