

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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

UA Builders Corp.,
Plaintiff-Respondent,

-against-

PSG Interiors Corp.,
Defendant,

M-2085
Index No. 654783/18

-and-

The Firm, Inc.,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated June 22, 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It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

DMRJ Group LLC,
Plaintiff-Appellant,

-against-

M-2095
Index No. 655181/17

B Asset Manager, LP, and Bam
Administrative Services, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 13, 2018,

Now, upon reading and filing the stipulation of the parties hereto, filed May 27, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Nicole Ciorciari,
Plaintiff-Respondent,

-against-

M-2096
Index No. 160213/15

New York City Department of Parks
& Recreation, et al.,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, filed March 13, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2104
Ind. No. 2279/17

Jose Barraza-Payan,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 8, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated February 13, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Arnold C. Hinton, Individually and as
Administrator of the Estate of Juliette
Goolsby-Hinton,
Plaintiff-Respondent,

M-2110
Index No. 154658/14

-against-

Westbeth Corp., HDFC Inc., and
Phipps Houses Services, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 23, 2019, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated March 5, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
In Re: New York City Asbestos Litigation:
-----X

Santa Rea and Joseph Rea,
Plaintiffs-Respondents,

M-2111
Index No. 190193/18

-against-

Kolmar Laboratories, Inc.,
Defendant-Appellant,

Colgate-Palmolive Company, et al.,
Defendants.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about November 18, 2019 and on or about January 16, 2020, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed in this Court on March 9, 2020, and due deliberation having been had thereon,

It is ordered that the perfected appeals are 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

Maria M.,
Petitioner-Respondent,

-against-

Juan DeP.,
Respondent-Appellant.
-----X

CONFIDENTIAL

M-2332

Docket Nos. V-34582/19
V-35288/19

An appeal having been taken to this Court from an order of the Family Court, Bronx County, entered on or about December 19, 2019,

Now, upon reading and filing the correspondence from counsel for respondent-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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Tanya O'Rourke and Kevin O'Rourke,
Plaintiffs-Respondents,

-against-

M-2371

Index No. 22092/16E

Harrington Talents, Inc., doing
business as Pirate Shark Dinosaur,
Defendant-Appellant,

Spot and Company of Manhattan, Inc.,
etc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about May 15, 2020,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated July 8, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Carol Bamonte, as Administrator of
the Estate of Kathleen Durst,
Plaintiff-Appellant,

-against-

M-2372
Index No. 153054/19

Robert Durst,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 7, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 10, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Greater New York Mutual Insurance
Company, et al.,
Plaintiffs-Respondents,

-against-

M-2373

Index No. 654055/18

American Empire Surplus Lines
Insurance Company,
Defendant-Appellant,

The Burlington Insurance Company,
et al.,
Defendants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 25, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant, dated July 10, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Patrick J. Lynch, etc., et al.,
Petitioners-Respondents,

M-2374
Index No. 155032/19

-against-

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

-----X

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 26, 2019,

Now, upon reading and filing the correspondence from counsel for respondents-appellants dated July 11, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Avery Hall Investments LLC,
Plaintiff-Appellant,

-against-

Concord Village Owners Inc., and
Rockrose Development Corp.,
Defendants-Respondents.

M-2375
M-2376
M-2377
Index No. 655700/18

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 31, 2019 (Case Nos. 2019-3355 and 2019-3356) and or about April 13, 2020 (Case No. 2020-2250),

Now, upon reading and filing the correspondence of counsel for plaintiff-appellant dated July 13, 2020, and due deliberation having been had thereon,

It is ordered that the appeals (Case Nos. 2019-3355 [M=2375], 2019-3356 [M-2376] and 2020-2250 [M-2377]), 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Quattro Parent LLC,
Plaintiff-Respondent,

M-2378

Index No. 651555/17

-against-

Zaki Rakib,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 15, 2020,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated July 13, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Marie Kaiser Napoli,
Plaintiff-Respondent,

M-2379
M-2380
Index No. 161423/15

-against-

Marc Jay Bern, Clifford S. Robert,
The Parkside Group, LLC, and Brian Brick,
Defendants-Appellants.

-----X
Marc Jay Bern,
Counter-Claim Plaintiff,

-against-

Marie Kaiser Napoli,
Counter-Claim Defendant.

-----X

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 17, 2019 (Case No. 2020-1231) and from an amended order, same Court, entered on or about December 23, 2019 (Case No. 2020-1230),

Now, upon reading and filing the joint correspondence from counsel for defendants-appellants, both dated July 13, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

The People of the State of New York
ex rel. Jane-Roberte Sampeur, Esq. on
behalf of
Theodosha Edwards,
Petitioner-Appellant,

M-2415
Index No. 451260/20
SCID No. 30161/20

-against-

Cynthia Brann, Commissioner of the NYC
Department of Correction,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 4, 2020,

Now, upon reading and filing the correspondence from counsel for petitioner-appellant dated July 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:



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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Thyssenkrupp Elevator Corporation,
Plaintiff-Appellant,

-against-

M-2455X
Index No. 653383/18

Zurich American Insurance Company,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 9, 2020,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

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

M-2458
Ind. No. 2535/15

-against-

Andrew Gonzalez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 7, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated July 14, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Beverly Anne Alleyne,
Plaintiff-Appellant,

-against-

M-2460X
Index No. 190295/17

American Biltrite, Inc., et al.,
Defendants-Respondents.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about September 19, 2019 and October 15, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 13, 2020, and due deliberation having been had thereon,

It is ordered that the appeals (Case Nos. 2020-1495, 2020-2009) are withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Kathleen Nedorostek,
Plaintiff-Appellant,

M-2462
Index No. 653162/14

-against-

Nine West Holdings, Inc., formerly known
as JAG Footwear, Accessories and Retail
Corporation,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 22, 2017, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed in this Court on March 9, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2467

Ind. No. 3529/16

-against-

Shaun Lewis,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about February 27, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated June 30, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Lawrence McGee,
Plaintiff-Respondent,

-against-

M-2476X
Index No. 21066/17

PJS General Construction, Inc., et al.,
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 23, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

NYCTL 2011-A Trust, et al.,
Plaintiffs-Respondents,

-against-

70 Orchard LLC,
Defendant-Appellant,

United States of America Internal
Revenue Service, et al.,
Defendants.

-----X

M-2486X
M-2487X
Index No. 652883/12

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 9, 2019 and from a judgment, same Court, entered on or about December 9, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2020, and due deliberation having been had thereon,

It is ordered that the appeals are 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
AdvantageCare Physicians, P.C.,
Plaintiff-Respondent,

-against-

M-2495
Index No. 152363/19

Andrew Granas, MD,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the Notice of Withdrawal of Notice of Appeal dated July 9, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid Notice of Withdrawal of 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Ramona Hernandez,
Plaintiff-Respondent,

M-2496
M-2370

-against-

Index No. 158123/14

Party Rental LTD and Pinch Food
Design LLC,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant Party Rental LTD dated July 15, 2020, (M-2496), and the correspondence from counsel for defendant-appellant Pinch Food Design LLC dated July 8, 2020, (M-2370), 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Ken Montera, on behalf of himself
and all others similarly situated,
Plaintiff-Respondent,

-against-

M-2499
Index No. 160550/17

KMR Amsterdam LLC,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the correspondence of counsel for defendant-appellant dated July 17, 2020, and due deliberation having been had thereon,

It is ordered that the appeal from the aforementioned order of the Supreme Court, New York County, entered on or about September 10, 2018, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Eugene Williams,
Plaintiff-Appellant,

M-2500
Index No. 300514/14

-against-

Plaxall Realty Sub, LLC and
Plaxall, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about December 13, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 21, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Anthony Vasquez,
Plaintiff-Respondent,

M-2501
Index No. 158614/16

-against-

Plaza Construction Company, LLC and
Henry V Murray Senior, LLC,
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 September 9, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated July 10, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Fidelity National Title Insurance Company,
Plaintiff-Respondent-Appellant,

M-2502

Index No. 151658/15

-against-

Berkshire Abstract & Title Agency, Inc.,
Alan H Rubin, Debbie Wiesel,
Defendants,

Stewart Title Insurance Company,
Defendant-Appellant-Respondent.

-----X

Berkshire Abstract & Title Agency, Inc.,
Alan H Rubin and Debbie Wiesel,
Third-Party Plaintiffs,

-against-

Stewart Title Company, Inc. & Stewart
Title Agency & Stewart Title Insurance
Company, Inc.,
Third-Party Defendants-Appellants-
Respondents,

Executive Abstract Corp.,
Third-Party Defendant.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 30, 2019,

Now, upon reading and filing the correspondence from counsel for cross appellant Fidelity National Title Insurance Company dated July 25, 2020, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische Justices.

-----X

Heather Getman,
Plaintiff-Respondent,

CONFIDENTIAL

M-2578

-against-

Index No. 306489/18

Marc Getman,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 22, 2020,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated August 6, 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2514

Ind. No. 244/18

German Vasquez,
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, Bronx County, rendered on or about November 16, 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Appointment of a Kinship Guardian (Subsidized Kinship Guardian Program) of

CONFIDENTIAL

M-2155

Jason Jiyell J., also known as
Jason J.,

Docket No. G-4543/19

A Person Under the Age of 21.

- - - - -

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Docket No. O-34141/16

Gwendolyn E.,
Petitioner-Respondent,

-against-

John M.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an amended order of the Family Court, New York County, entered on or about May 18, 2020, and from an order, same Court, entered on or about May 13, 2020 (Case No. 2020-2856, Docket No. G-4543/19), 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 Marion C. Perry, Esq., dated June 26, 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, Marion C. Perry, Esq., 8232 18th Avenue, Brooklyn, NY 11214, Telephone No. 347-674-8716, 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. (See, M-2157, M-2158, and M-2159, decided 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Appointment of a Kinship Guardian (Subsidized Kinship Guardian Program) of

CONFIDENTIAL

M-2157

Jason Jiyell J., also known as
Jason J.,

Docket No. G-4543/19

A Person Under the Age of 21.

- - - - -

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Docket No. O-34141/16

Gwendolyn E.,
Petitioner-Respondent,

-against-

John M.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the amended order of the Family Court, New York County, entered on or about May 18, 2020, and from the order, same Court, entered on or about May 13, 2020 (Case No. 2020-2856, Docket No. G-4543/19), 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 Robert Rothman, Esq., dated June 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 Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 200 Park Avenue, Suite. 1700, New York, NY 10166, Telephone No. 914-215-

7221, 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.** (See, M-2155, M-2158, and M-2159, decided simultaneously herewith.)

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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Appointment of a Kinship Guardian (Subsidized Kinship Guardian Program) of

CONFIDENTIAL

M-2158

Jason Jiyell J., also known as
Jason J.,

Docket No. G-4543/19

A Person Under the Age of 21.

- - - - -

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Docket No. O-34141/16

Gwendolyn E.,
Petitioner-Respondent,

-against-

John M.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the amended order of the Family Court, New York County, entered on or about May 18, 2020, and from the order, same Court, entered on or about May 13, 2020 (Case No. 2020-2857, Docket No. O-34141/16), 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 Elliot Podhorzer, dated June 25, 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, Marion C. Perry, Esq., 8232 18th Avenue, Brooklyn, NY 11214, Telephone No. 347-674-8716, 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. (See, M-2155, M-2157, and M-2159, decided 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Appointment of a Kinship Guardian (Subsidized Kinship Guardian Program) of

CONFIDENTIAL

M-2159

Jason Jiyell J., also known as
Jason J.,

Docket No. G-4543/19

A Person Under the Age of 21.

- - - - -

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Docket No. O-34141/16

Gwendolyn E.,
Petitioner-Respondent,

-against-

John M.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an amended order of the Family Court, New York County, entered on or about May 18, 2020, and from an order, same Court, entered on or about May 13, 2020 (Case No. 2020-2857, Docket No. O-34141/16), 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 Robert Rothman, Esq., dated June 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 Article 18b of the County Law and §1120 of the Family Court Act, Salihah R. Denman, Esq., 200 Park Avenue, Suite. 1700, New York, NY 10166, Telephone No. 914-215-

7221, 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.** (See, M-2155, M-2157, and M-2158, decided simultaneously herewith.)

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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2472

Ind. No. 770/17

Frankie Santana,
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 May 28, 2019, and said appeal having been perfected,

And defendant-appellant having moved to withdraw the appellant's brief and dismiss 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 granted to the extent that the appeal is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Eric Sean Alston, Jr.,
Plaintiff-Appellant-Respondent,

-against-

M-2419
Index No. 26445/19E

Devine Brothers Company,
Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about February 25, 2020,

And plaintiff-appellant-respondent having moved for an order striking defendant-respondent-appellant's cross appeal as untimely,

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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2227
Ind. No. 2576/18

Olvin Vargas,
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, New York County, rendered on or about December 18, 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 detailed, notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth, inter alia, his indigency, the source of funds utilized for bail and why such

funds are not available to prosecute this appeal, as well as facts sufficient to establish that defendant has no other 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2242

-against-

Ind. No. 2409/15

Lemuel Skipper,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 27, 2019 (M-3224), granting defendant limited poor person relief with respect to the appeal taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about February 22, 2019, in that defendant's retained counsel, Richard E. Mischel, Esq., was to be provided a certified transcript of the proceedings without charge; and a motion having been made by retained counsel to be relieved as such counsel, and for the appointment of assigned counsel to represent defendant on 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 granted to the extent of relieving Richard E. Mischel, Esq., as defendant's appellate counsel. That branch of the motion seeking appointment of assigned counsel 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, inter alia, defendant's indigency as well as facts sufficient to establish that defendant has no funds or assets with which 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Paul Schwenger,
Plaintiff-Appellant,

-against-

M-2390

Index No. 159856/18

Weitz, Kleinick & Weitz, LLP, et al.,
Defendants,

Brian M. Mittman, Esq. and Markhoff
& Mittman, P.C.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about September 4, 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 December 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
Magna Equities II, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-2300
Index No. 653808/16

Writ Media Group, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 11, 2017,

And defendants-appellants having moved to withdraw the aforesaid appeal without prejudice or, in the alternative, 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 extending the time to perfect the appeal to the February 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2339
Index No. 650589/17

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

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about July 6, 2018 or, in the alternative, to allow plaintiff to dismiss its Notice of Appeal without prejudice and re-file the Notice of Appeal in order to perfect said appeal for the December 2020 Term of this Court,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the February 2021 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Mario Fabian,
Plaintiff-Appellant,

-against-

M-2355
Index No. 301408/15

Mohammad A. Quadir and
Sparrow Taxi, Inc.,
Defendants-Respondents.

-----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 10, 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 February 2021 Term, with leave to seek further extensions, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Sonara E. Suprien,
Plaintiff-Appellant,

-against-

M-2225
Index No. 650489/18

Ambiorix Rodriguez, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about January 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 March 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
Clephane B. Burgess, et al.,

Plaintiffs-Appellants,

-against-

M-2445
Index No. 308376/12

Avignon Taxi, LLC, et al.,

Defendants-Respondents.

-----x

Separate appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about October 9, 2015 and from an order, same Court, entered on or about February 1, 2016,

And plaintiffs-appellants having moved for an extension of time to perfect said appeals until 30 days after an automatic stay in bankruptcy, as to defendant-respondent Avignon Taxi, LLC, has been lifted,

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 March 2021 Term of this Court, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Leo Simon, et al.,
Plaintiffs-Respondents,

-against-

M-2215
Index No. 305209/13

Bernard Lewis,
Defendant-Appellant,

-and-

Coleen Weaver, as Administrator of
the Ethans Estate Trust,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 22, 2019, and said appeal having been perfected,

And counsel for plaintiffs-respondents, Albert A. Hatem, P.C., having moved to withdraw as counsel and to adjourn the aforesaid perfected 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, counsel for plaintiffs-respondents is permitted to withdraw as counsel of record, and said appeal is adjourned to the December 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Eustace Bacchus, as Administrator and
Personal Representative of the Estate
of Bibi Bacchus, also known as Bibi
Swabra Bacchus, Deceased and Eustace
Bacchus, Individually,
Plaintiffs-Appellants,

-against-

M-2298

Index No. 25054/17E

The Bronx Lebanon Hospital Center,
Muhammad Adrish, M.D.,
Defendants-Respondents,

Ronald Joco, M.D.,
Defendant.

-----X

Plaintiffs-appellants having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about September 6, 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 deemed to include a request to vacate the dismissal of the appeal (see, 22 NYCRR 1250.10 [c]) and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Ocwen Loan Servicing, LLC,
Plaintiff-Respondent,

-against-

M-2303

Index No. 850228/15

Carmen A. Pacheco, Carmen J. Pacheco,
Defendants-Appellants,

Akam Associates Inc., et al.,
Defendants.

-----X

Defendants-appellants having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about September 30, 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 deemed to include a request to vacate the dismissal of the appeal (see, 22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
J.G., An Infact Under the Age of Fourteen
(14) Years, by his Mother and Natural
Guardian, Quaisha Kelly, and Quaisha
Kelly, Individually,
Plaintiffs-Appellants,

M-2345
Index No. 350149/13

-against-

Fortress CD LLC, Ian Brown and Harlem
United Community Aids Center, Inc.,
Defendants-Respondents,

Andrew Prince,
Defendant.

-----X
Fortress CD LLC and Ian Brown,
Third-Party Plaintiffs,

-against-

Harlem United Community Aids Center, Inc.,
Third-Party Defendant.

-----X
Fortress CD LLC and Ian Brown,
Second Third-Party Plaintiffs,

-against-

N&J Home Improvement Corp.,
Second Third-Party Defendant-Respondent,

A Pacific Environmental Corp. and Pacific
Environmental Corp.,
Second Third-Party Defendants.

-----X

Three separate appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about September 13, 2019 and two separate orders, same Court, entered on or about February 7, 2020,

And plaintiff-appellant having moved for an extension of time in which to perfect the three 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 deemed an application, pursuant to 22 NYCRR 1250.10 (c), to vacate the dismissal of the appeal taken from the order entered on or about September 13, 2019 and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect the appeals from all three of the aforementioned orders is extended to the February 2021 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 September 10, 2020

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Elizabeth Velez, as Mother and Natural guardian of R.M. and Elizabeth Velez, Individually, Marta Morales and Juan Matos,

Plaintiffs-Respondents,

M-2432

Index No. 24703/14E

-against-

The City of New York, The New York City Police Department and The New York City Fire Department,
Defendants-Appellants.

-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 15, 2018,

And defendants-appellants having moved for an extension of time 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, deemed to include a request to vacate the dismissal of the appeal, is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal extended to the March 2021 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x
320 West 115 Realty LLC,
Plaintiff-Appellant, M-2251
Index No. 651613/18
-against-

All Building Construction Corp. and
Edward Campanella,
Defendants-Respondents.

-----x

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

And plaintiff-appellant having moved for an order substituting Olivia Campanella, as Temporary Administrator for the Estate of the deceased defendant-respondent, Edward Campanella, in place of defendant-respondent Edward Campanella,

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 service of the motion on Olivia Campanella, as Temporary Administrator for the Estate of the deceased defendant-respondent, Edward Campanella, and it is further,

Ordered that the dismissal of the appeal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Anatoly Moldaver,
Plaintiff-Appellant,

-against-

Pref 34 East 51st Street, LLC, et al., M-2295
Defendants-Respondents, Index No. 162881/15

-and-

JRM Construction Management, LLC,
Defendant.

- - - - -
[And a third-party action.]

-----x

An appeal having been taken to this Court from the second amended order of the Supreme Court, New York County, entered on or about October 24, 2019 and plaintiff-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension of time 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court, without prejudice to the issue of the appeal's timeliness being raised directly on 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
128 Bake Corp.,
Plaintiff-Appellant,

-against-

M-2398
Index No. 653008/17

Geltman Realty Corp. and Madison 30
31 Owner LLC,
Defendants-Respondent.

-----X
Madison 30 31 Owner LLC,
Third-Party Plaintiff-Respondent,

-against-

Breeze National, Inc., Oliviero
Construction Corp., and Hayward Baker,
Inc.,
Third-Party Defendants-Respondents.

-----X

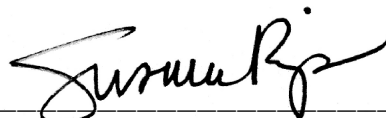
An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 12, 2019,

And plaintiff-appellant having moved to vacate the dismissal of appeal, and upon reinstatement, for an extension of time in which 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 February 2021 Term of this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line.

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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Luisa Reinoso,

Plaintiff-Respondent,

-against-

M-2385

Index No. 155622/13

The New York City Transit Authority,
et al.,

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 June 12, 2019, and defendants-appellants having moved to vacate the dismissal of appeal and, upon reinstatement, for an extension of time in which to perfect the appeal; and for an order directing respondent to provide appellants with the originals or copies of respondent's trial exhibits,

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 dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court; the motion 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 September 10, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Keimoneia Redish,
Plaintiff-Respondent,

-against-

M-2413
Index No. 310294/11

Darryl Adler, The Estate of Ronald L.
Ciubotaru by the Public Administrator
of Westchester County, R. Stumacher,
Defendants-Appellants,

St. Barnabas Hospital and Abdurham Ahmed,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 27, 2019,

And defendants-appellants having moved to vacate the dismissal of the 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,

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 February 2021 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Saul Feiger, an attorney,
Plaintiff-Respondent,

-against-

Ray Enterprises, LLC, et al.,
Defendants-Respondents,

-and-

Richard Ferguson, et al.,
Defendants-Appellants.

-----x

M-2351
M-2491
Index No. 651384/13

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 12, 2020 (Case No. 2020-2943), and from the order, same Court, entered on or about August 28, 2019 (Case No. 2020-917),

And defendants-appellants having moved for a stay of all proceedings in the trial court, including the distribution of escrow funds, for consolidation of the aforesaid appeals, and for an extension of time in which to perfect the consolidated appeals (M-2351),

And defendants-respondents having cross-moved to dismiss the appeal taken from the order entered on or about May 12, 2020 (M-2491),

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

Defendants-appellants' motion (M-2351) is granted only to the extent of staying the distribution of the escrow monies and is otherwise denied, with leave to renew, upon proper papers (see, 22 NYCRR 1250.4 [a][3] and [4]), and proof of service of those papers upon all parties. The cross motion (M-2491) 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 September 10, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Daniel Platovsky, et al.,
Plaintiffs-Appellants,

-against-

Ari Bernstein, et al.,
Defendants-Respondents.

M-2247
M-2229

- - - - -

Index No. 25292/17E

Ari Bernstein, et al.,
Counterclaim Plaintiffs-Respondents,

-against-

Daniel Platovsky, et al.,
Counterclaim Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 2, 2020,

And plaintiffs/counterclaim defendants-appellants having moved for the extension of a certain notice of lis pendens pending hearing and determination of the aforementioned appeal (M-2229),

And plaintiffs/counterclaim defendants-appellants having moved in an identical motion for the same relief (M-2247),

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 denied in their 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2342
Ind. No. 3029/18

Patrick Hoover,
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 July 31, 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.

Stephen Chu, 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2344
Ind. No. 999/18

Jose Dominguez,
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, Bronx County, rendered on or about July 3, 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 motion papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

Stephen Chu, 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 extended 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2368
Ind. No. 1825/19

Lamelle Roy,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 13, 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, inter alia, his indigency as well as 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2382
SCI. No. 4126/19

Juan Requena,
Defendant-Appellant.

-----X

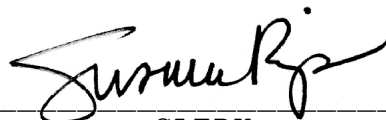
An order of the Supreme Court, New York County, entered on or about January 28, 2020, having granted defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 28, 2020, and an order of this Court, entered on June 18, 2020 (M-1324), having, inter alia, assigned Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, to substitute other counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel 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 extended until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-2406
Ind. Nos. 4340/17
72/18

Curtis Wright,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 10, 2019 (M-7702), 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 January 7, 2019, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, 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 Robert S. Dean, Esq. as assigned counsel and substituting, pursuant to Section 722 of the County Law, Samuel M. Braverman, Esq., 225 Broadway, Suite 715, New York, New York, 10007, Telephone No. (917) 613-4572, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2347

Ind. No. 919/17

Shavar Stuckey,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 21, 2019, and to prosecute said 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 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 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2334
Ind. No. 1579/17

Jamal Delroy Dale, also known as
Deroy Dale,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 5, 2017 (M-4596), inter alia, granting defendant leave to prosecute, as a poor person, the appeal taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about May 30, 2017, and assigning Christina Swarns, Esq., predecessor counsel to Stephen Chu, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and assigned counsel having moved to be relieved as counsel and to dismiss defendant-appellant's appeal without prejudice,

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 relieving assigned counsel and 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Orly Genger in her Individual Capacity
and on behalf of the Orly Genger 1993
Trust (both in its individual capacity
and on behalf of D&K Limited

Partnership)
Plaintiff-Appellant,

-against-

M-2357

M-2358

M-2511

M-2512

Index No. 109749/09

Dalia Genger,
Defendant-Respondent,

Sagi Genger, Leah Fang
D & K GP LLC, and TPR Investment
Associates, Inc.,
Defendants.

-----X

Appeals having been taken to this Court from two orders of the Supreme Court, New York County, entered on or about August 9, 2019 (Case No. 2020-1941) and October 4, 2019 (Case No. 2020-1940),

And plaintiff-appellant Deborah J. Piazza, the successor Chapter 7 Trustee of the Estate of Orly Genger, having moved, in identical motions, for extensions of time in which to perfect the aforementioned appeals, with leave to seek additional extensions if necessary (M-2357 and M-2358),

And defendant-respondent Dalia Genger, having cross-moved, in identical cross motions, to dismiss the appeals (M-2511 and M-2512),

September 10, 2020

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

It is ordered that plaintiff-appellant's motions for an extension of time in which to perfect the appeal taken from the October 4, 2019 order is granted, and the time to perfect said appeal is extended to the February 2021 Term of this Court. The motions seeking an extension of time in which to perfect the appeal taken from the August 9, 2019 order is denied (M-2357 and M-2358), and

It is further ordered that defendant-respondent's cross motions to dismiss the appeal taken from the August 9, 2019 order is granted, and the cross motions seeking to dismiss the appeal taken from the October 4, 2019 order is denied (M-2511 and M-2512).

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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2363
Ind. No. 20010/18

Enrique Clemente,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 6, 2020 (M-8088), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 22, 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, to substitute David K. Bertan, Esq., as attorney of record, and to otherwise continue the poor person relief previously granted,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as defendant's assigned counsel to prosecute the appeal; the motion to substitute retained counsel is denied as unnecessary. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
In re Dentsply Sirona, Inc., M-2200
Shareholders Litigation Index No. 155393/18
-----X

John Castronovo and Irving Golombeck,
Plaintiffs-Appellants-Respondents,

Dentsply Sirona, Inc., Jeffrey Slovin, et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiffs-appellants-respondents having taken appeals to this Court from the order of the Supreme Court, New York County, entered on or about September 26, 2019, from the subsequent judgment, same Court, entered on or about September 30, 2019, and from the order, same Court, entered on or about February 6, 2020; and defendants-respondents-appellants having cross-appealed from the order entered on or about September 26, 2019; and plaintiffs-appellants-respondents having moved to dismiss the aforementioned 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, with leave to plaintiffs-appellants-respondents to advance their arguments for dismissal in their cross-respondents' brief.

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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-2273
Index No. 101883/10

New York City Transit Authority,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court 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 the motion is granted to the extent of extending the time to perfect the appeal to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

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

-against-

M-2309

Index No. 100036/09

Carol Hayden,
Defendant-Appellant,

The Board of Managers of Ruppert
Yorkville Towers Condominium, et al.,
Defendants.

-----X

Three separate appeals having been taken to this Court from three orders of the Supreme Court, New York County, entered on or about July 23, 2019, October 28, 2019 and November 19, 2019, and defendant-appellant having moved for an extension of time in which to perfect said 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 to perfect the three appeals to the February 2021 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Jose Luis Melendez Pedraza, also
known as Jose Luis Melendez, also
known as Jose Luis Pedraza,
Plaintiff-Appellant-Respondent,

-against-

M-2356
M-2192
Index No. 159366/13

New York City Transit Authority,
Metropolitan Transportation Authority,
and Angel Rivera,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 17, 2019,

And plaintiff-appellant-respondent and defendants-respondents-appellants having separately moved for extensions of time in which to perfect their respective appeal and cross appeal,

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 dismissing the aforesaid appeal and cross appeal unless perfected for the February 2021 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Erna De Saint George Elkaim,
Plaintiff-Appellant,

-against-

M-2362

Index No. 150124/17

Lotte New York Palace Hotel, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about October 7, 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 February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Nicholas Wilder,
Plaintiff-Appellant,

-against-

M-2408
Index No. 100841/18

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

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about August 16, 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 February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Francisco Zubillaga,
Plaintiff-Appellant,

-against-

M-2410

Index No. 27806/17E

Findlay Teller Housing Development
Fund Corporation and Belmont Arthur
Avenue Local Development Corporation,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about December 18, 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 February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Francisco Santos,
Plaintiff-Appellant,

-against-

M-2438
Index No. 21955/17E

Vargas Williams,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about September 28, 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 February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of the Application of
Sharay Morrison,
Petitioner-Appellant,

-against-

M-2468
Index No. 101499/18

New York City Department of
Corrections,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 19, 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 February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Armando Antonio Martinez,
Plaintiff-Respondent-Appellant,

M-2354

M-2353

-against-

Index No. 153421/17

New York City Transit Authority,
Metropolitan Transportation Authority,
and Lumel Gonzalez,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 11, 2019,

And defendants-appellants-respondents having moved for an extension of time in which to perfect the appeal taken from the aforementioned order (M-2354),

And plaintiff-respondent-appellant having moved for an extension of time in which to perfect the cross appeal taken from the aforementioned order, and to consolidate the appeal and cross appeal on a single record (M-2353),

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

It is ordered that the defendants' motion (M-2354) is granted to the extent of extending the time in which to perfect the appeal to the February 2021 Term of this Court, and it is further

Ordered that plaintiff's motion (M-2353) is granted to the extent of extending the time in which to perfect the cross appeal to the February 2021 Term of this Court; the parties are directed to comply with 22 NYCRR 1250.9(f)(1)(ii).

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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x
Joseph Shamilova, as Executor of the
Estate of Khava Shamilova,
Plaintiff-Respondent,

-against-

M-2457
Index No. 303939/09

Elissa Berkowitz, Dora Lieberman
Irrevocable Grantor Trust Judith Sabo,
Solomon Sabo and Yeshiva Shaare Torah,
Inc.,
Defendants-Appellants.

-----x

Defendant-appellant, Dora Lieberman Irrevocable Grantor Trust, having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 11, 2019, and upon reinstatement, for an extension of time to perfect said appeal so that all of defendants' appeals may be consolidated,

By order entered August 27, 2020 (M-2299/2296), this Court, inter alia, granted a motion by the Sabo defendants and extended all of the defendants-appellants time in which to perfect their appeals to the December 2020 Term of this Court,

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

It is ordered that the motion is granted to the extent of vacating the dismissal of the Dora Lieberman Irrevocable Grantor Trust's appeal from the July 11, 2019 order, reinstating said appeal, and extending the time in which to perfect the appeal to the December 2020 Term of this Court (see, Order, M-2299/2296, entered August 27, 2020).

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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Leonard Caro,
Plaintiff-Appellant,

-against-

M-2412
Index No. 301378/16

Khalil Ibrahim, et al.,
Defendants,

Genesys Engineering, P.C.,
Defendant-Respondent.
-----X

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

And plaintiff-appellant having moved to vacate the dismissal of the appeal and, upon reinstatement, 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

USA Recycling Inc.,
Plaintiff-Appellant,

-against-

M-2533
Index No. 305615/13

Baldwin Endico Realty Associates, Inc.,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 24, 2019, and upon reinstatement, 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, reinstating said appeal, and extending the time in which to perfect the appeal to the February 2021 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Jasmine Lugo and Jasmine Gonzalez,
Plaintiffs-Appellants,

-against-

M-2269
Index No. 153475/18

Ean Holdings LLC, et al.,
Defendants-Respondents.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 23, 2019,

And plaintiffs-appellants having moved to vacate the dismissal of the appeal and, upon reinstatement, for an extension of time in which to perfect said appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for plaintiffs-appellants, dated July 20, 2020, and due deliberation having been had thereon,

It is ordered that the motion is granted, the dismissal vacated, and the appeal reinstated; 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Phillip Parker,
Plaintiff-Respondent,

-against-

M-2431
Index No. 153545/17

Chelsea Piers Management, Inc., and
Chelsea Piers L.P.,
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 November 13, 2019,

And defendants-appellants having moved to vacate the dismissal of the appeal and, upon reinstatement, to withdraw 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, the dismissal vacated, the appeal reinstated, and upon reinstatement, the appeal is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Board of Managers of 250 Bowery
Condominium,
Plaintiff-Respondent,

M-2294

Index No. 656608/16

-against-

250 VE LLC, VE Equities LLC, et al.,
Defendants-Respondents,

Foundations Group, Inc.,
Defendant-Appellant.

-----X

Foundations Group, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Best Plumbing & Heating Inc., Allstate
Interiors, Inc., Supreme Flooring Inc.,
et al.,
Third-Party Defendants-Respondents.

-----X

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

And defendant/third-party plaintiff-appellant having moved to vacate the dismissal of said appeal, and upon reinstatement, to withdraw the appeal without prejudice to renewing its arguments on a subsequent 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, the dismissal vacated, the appeal reinstated, and upon reinstatement, the appeal is deemed withdrawn without prejudice.

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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

Carlitos Contracting Corp., doing
business as City Scaffolding,
Petitioner-Respondent,

-against-

M-2222
Index No. 156500/19

New Route Consulting, Inc.,
Respondent-Appellant.

-----x

Respondent-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about October 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 deemed to include a request to vacate the dismissal of the appeal(22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Rajendranauth Bisnath and Taramatie
Bisnath,
Plaintiffs-Appellants,

-against-

M-2312
Index No. 310337/10

Joan Chiappa Porteus, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about November 26, 2018,

And plaintiff-appellant Taramatie Bisnath having moved for an extension of time in which to perfect the aforesaid appeal, and for other 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 deemed to include a request to vacate the dismissal of the appeal (see, 22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

In the Matter of the Petition of,
Frank Berisha,
Petitioner,

For a Judgment Pursuant to Civil
Practice Law and Rules 5225(b) and/or
Civil Practice Law and Rules 5227,

M-2338
Index No. 260677/16

-against-

4042 East Tremont Café Corp., etc.,
et al.,
Respondents.

-----X

4040 Tremont Realty, LLC,
Nonparty-Appellant,

-against-

Bernard D'Orazio,
Nonparty-Respondent.

-----X

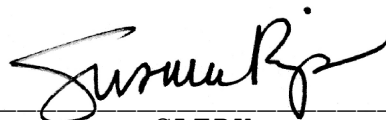
Nonparty-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about June 12, 2019,

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 deemed to include a request to vacate the dismissal of the appeal (22 NYCRR 1250.10[c]) and,

as such, is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 Term of this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", written over a horizontal line.

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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Louis Roman,
Plaintiff-Appellant,

-against-

M-2409
Index No. 24115/17E

Why Not LLC and Finkelstein
Timberger East Real Estate LLC,
Defendants-Respondents.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about October 15, 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 deemed to include a request to vacate the dismissal of the appeal (see, 22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal is vacated, the appeal reinstated and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

WDF Inc.,
Plaintiff-Appellant,

-against-

M-2451
Index No. 653108/17

Harleystville Insurance Company of
New York,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about October 4, 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 deemed to include a request to vacate the dismissal of the appeal (22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
Carlos A. Cruz,
Plaintiff-Appellant,

-against-

M-2488

Index No. 300815/12

Sharkey's Trucking Corp., Marlon
Rivera and S. Katzman Produce,
Defendants-Respondents.

-----X
[Third-Party Action]
-----X

Plaintiff-appellant having moved for an extension of time in which to perfect the appeal taken to this Court from an order of the Supreme Court, Bronx County, entered on or about May 30, 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 deemed to include a request to vacate the dismissal of the appeal (see, 22 NYCRR 1250.10[c]) and, as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect said appeal is extended to the February 2021 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
New Canaan Capital Management, LLC,
Plaintiff-Appellant,

-against-

Chadbourne & Parke LLP, et al.,
Defendants-Respondents.

M-2360

M-2507

Index No. 650031/19

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 11, 2019,

And plaintiff-appellant having moved for an extension of time in which to perfect said appeal (M-2360),

And defendants-respondents having cross-moved to dismiss the appeal for failure to timely perfect (M-2507),

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

It is ordered that plaintiff-appellant's motion (M-2360), deemed to include a request, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of appeal, is granted, the appeal reinstated, and the time to perfect said appeal extended to the February 2021 Term of this Court. Defendants-respondents' cross motion (M-2507) to dismiss the appeal 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-2383
Ind. No. 74/16

Maria Hrynenko and Dilber Kukic,
Defendants-Appellants.

-----x

Separate appeals having been taken to this Court by defendants-appellants Maria Hrynenko (Case No. 2020-0832) and Dilber Kukic (Case No. 2020-1537) from the same judgment of the Supreme Court, New York County, rendered on or about January 17, 2020,

And defendants-appellants having jointly moved for an order consolidating the aforesaid appeals for the purposes of filing a single brief and record, and calendaring the two appeals back-to-back for oral argument before the same panel, 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. Defendants-appellants shall perfect the consolidated appeals upon a single record and brief in accordance with 22 NYCRR 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2428

Ind. No. 3593/17

Shaheem Eweka,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 12, 2018,

And defendant-appellant having moved for an order remanding this matter to Supreme Court for a hearing to reconstruct the minutes of his plea proceeding, which was held on or about May 30, 2018, and 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 denied, with leave to renew, based upon whether defendant can identify any appealable issues that occurred during the untranscribed proceeding.

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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----x

Lukasz Gottwald, p/k/a Dr. Luke,
et al.,
Plaintiffs-Respondents,

-against-

M-2538
Index No. 653118/14

Kesha Rose Sebert, p/k/a Kesha,
Defendant-Appellant,

-and-

Pebe Sebert, et al.,
Defendants.

Kesha Rose Sebert, p/k/a Kesha,
Counterclaim Plaintiff-Appellant,

-against-

Lukasz Gottwald p/k/a Dr. Luke,
et al.,
Counterclaim Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about February 6, 2020,

And non-party Samuel D. Isaly having moved to file a proposed amicus curiae brief in support of plaintiffs-respondents' opposition to defendant-appellant's 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 non-party movant Isaly is directed to serve and file the original and required number of copies of the proposed amicus curiae brief as provided in 22 NYCRR 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 September 10, 2020.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X

Nimble Ventures, LLC,
Plaintiff-Respondent,

-against-

M-2369
Index No. 651762/20

Michael Graves,
Defendant-Appellant,

Liquid Digital Holdings, et al.,
Defendants-Respondents.

-----X

Defendant-appellant having moved for a stay of all proceedings in this matter pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 26, 2020, and for a preference in the expedited hearing 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 granted to the extent that all proceedings interposed against defendant-appellant Graves personally are stayed on condition he perfect the aforesaid appeal by the February 2021 Term of this Court; the Claim in Count I of the complaint against defendants-respondents may proceed in the Supreme Court; defendant-appellant's request for a preference 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 September 10, 2020.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Cynthia S. Kern
Anil C. Singh
Peter H. Moulton
Lizbeth González, Justices.

-----X
In re: Part 60 RMBS-Put Back Litigation. Index No. 777000/15

-----X
Natixis Real Estate Capital Trust
2007-HE2, by Computershare Trust
Company, National Association, solely
in its capacity as Separate Securities
Administrator, M-2609
Plaintiff-Counterclaim Defendant- Index No. 153945/13
Respondent,

-against-

Natixis Real Estate Capital, Inc.,
Defendant-Counterclaim Plaintiff-
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-Appellant- Index No. 565610/15
Respondent,

-against-

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

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 10, 2019, which granted in part and denied in part the motion of third-party defendant Wells Fargo Bank, N.A. to dismiss the Amended Third-Party Complaint and Amended Counterclaims,

And third-party defendant-respondent-appellant Wells Fargo having moved for an order: (1) striking the Reply Brief for

defendant-counterclaim plaintiff-appellant/third-party plaintiff-appellant-respondent Natixis Real Estate Holdings LLC (Natixis), filed on August 7, 2020 (NYSCEF No. 27) as untimely, or, in the alternative, directing Natixis to promptly file a revised brief that complies with this Court's word limit, see 22 NYCRR 1250.8(f)(2); and (2) If Natixis' aforementioned Reply Brief is not stricken entirely, granting Wells Fargo an extension of time in which to file a reply brief in further support of its cross appeal to no sooner than 23 days after the later of (i) the date on which this Court determines this Motion or (ii) the date on which Natixis files a revised brief that complies with this Court's word limit,

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

It is ordered that the branch of the motion seeking to strike the Reply Brief for Natixis is denied and Natixis is permitted to file a reply brief on or before September 25, 2020, for the November 2020 Term. The denial of the motion is without prejudice to the Clerk's consideration of Natixis' request to file an oversized brief. The branch of the motion seeking an extension of time for Wells Fargo to file a reply brief is granted to the extent that Wells Fargo is permitted to file its reply brief on or before October 16, 2020, for the November 2020 Term.

ENTERED:



CLERK