

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 March 12, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

Bon LLC,
Plaintiff-Appellant,

-against-

Fook Luk Realty Inc.,
Defendant-Respondent.

-----X

M-5794
Index No. 159575/14

Plaintiff-appellant having moved for a stay of proceedings in the Matter Fook Luk Realty Inc. v Bon LLC, Civil Court of the City of New York L&T Index No. 77625/14 pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about November 6, 2014, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated November 21, 2014 and due deliberation having been had thereon,

It is ordered that the motion is granted and the interim relief granted by an order of a Justice of this Court, dated November 19, 2014, is hereby continued on the same terms and conditions.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In the Matter of

Kapil J.,
Petitioner-Appellant,

-against-

M-246
Docket No. V-37612/14

Ning G.,
Respondent-Respondent.

-----X

Ning G.,
Petitioner-Respondent.

-against-

Docket No. V-42260/14/14A

Kapil J.,
Respondent-Appellant.

-----X

Petitioner-appellant having moved to for consolidation of the appeals taken from orders of the Family Court, New York County, entered on or about December 23, 2014, and from an order of the same Court and Justice entered on or about June 27, 2014, for vacatur of certain orders of Family Court, New York County, 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
The People of the State of New York
ex rel. Frank Monte,
Petitioner,

-against-

Warden, Edmund Duffy, NYCDoc,
Respondent.

M-6234
Ind. No. 1021/14

-----X
Petitioner having moved for an original writ of habeas
corpus to be issued by 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 dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Liberty Insurance Underwriters, Inc.,
Plaintiff-Appellant,

-against-

M-188
Index No. 106285/09

Clark Patterson Engineers, et al.,
Defendants-Respondents.
-----X

An order of this Court entered on December 11, 2014 (M-5243) dismissing the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 16, 2014,

And plaintiff-appellant having moved for reargument of the aforesaid order,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Leland G. DeGrasse
Darcel D. Clark, Justices.

-----X
World Wide Power Industries, Inc.,
et al.,
Plaintiffs-Respondents,

-against-

Warren Azzara, et al.,
Defendants-Appellants.
-----X

M-5895
Index No. 650280/14

Plaintiffs-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 23, 2014 (Appeal No. 13311/13311A/13311B),

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.

ENTER:

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 March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

In the Matter of

Nabel C., Jr.,

A Child Under the Age of 18 Years Alleged
to be Abused and Neglected
Pursuant to §384-b of the Social
Services Law of the State of New York.

Administration for Children's Services,
Petitioner-Respondent,

M-6363
Docket No.
NA-28457/13

Nabel C. Sr.,
Respondent-Appellant,

Jackie R., Amanda R.,
Respondents.

Seymour W. James, Esq., Attorney
for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 21, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 104 West 40th Street 20th Floor, New York, NY 10018, Telephone No. (212)818-9019, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-6292, decided simultaneously herewith).

ENTER:


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 March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

In the Matter of

Nabel C., Jr.,

A Child Under the Age of 18 Years Alleged
to be Abused and Neglected
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -

Administration for Children's Services,
Petitioner-Respondent,

M-6292
Docket No. NA-28457/13

Amanda R.,
Respondent-Appellant,

Jackie R., Nabel C. Jr.,
Respondents.

- - - - -

Seymour W. James, Esq., Attorney
for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 21, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516)887-8987, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-6363 decided simultaneously herewith).

ENTER:


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 March 12, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

In re East 51st Street Crane
Collapse Litigation

East 51st Street Development Company,
LLC, et al.,
Plaintiffs,

-against-

Lincoln General Insurance Company,
Defendant-Respondent,

Axis Surplus Insurance Company, et al.,
Defendants,

Interstate Fire and Casualty Company,
Defendant-Appellant.

-----X

M-5654
Index Nos. 769000/08
150063/10

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 9, 2014 (Appeal No. 13167),

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X

Stephanie T.,
Plaintiff-Respondent,

-against-

M-129

M-273

Dileepkumar T.,
Defendant-Appellant.

Index No. 311501/08

-----X

Appeals having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about February 6, 2013, and from judgments of said Court entered on or about May 23, 2013 and October 7, 2013, respectively,

And an order of this Court having been entered on December 11, 2014 (5305) dismissing the consolidated appeals,

And defendant-appellant pro se having moved renewed their motion for an order enlarging the time to perfect the consolidated appeals, and for poor person relief and assignment of appellate counsel (M-129),

And plaintiff-respondent having cross-moved for an order precluding defendant from filing any future motions or appeals in connection with this matter (M-273),

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

It is ordered that the motion is denied, sua sponte, appellant is directed that any future motion papers on any appeal in this matter shall not contain the forensic report dated December 8, 2008 (Exhibit D to this motion) [M-129].

The cross motion is granted to the extent of directing the Clerk not to accept any further motions from the defendant-appellant with respect to the aforesaid consolidated appeals (M-273).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Gary Vogt,
Plaintiff-Respondent,

-against-

M-283
Index No. 110359/11

Ivan G. Herstik,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 28, 2014, and said appeal having been perfected,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by an order of a Justice of this Court, dated January 30, 2015.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 12, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

In the Matter of the Application of
Sara Salerno,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-421
Index No. 100213/12

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time
to perfect the appeal from the judgment of the Supreme Court,
New York County, entered on or about December 20, 2013,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the September 2015
Term.

ENTER:


CLERK

(Corrected Order April 8, 2015)

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 March 12, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x
Edwin R. Vasquez,
Plaintiff-Respondent,

-against-

M-288
Index No. 5286/10

Marileysi Vasquez,
Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 18, 2014, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. **The time to perfect the appeal is enlarged to the September 2015 Term.**

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Mildred Guiterrez Melise and Ricardo
Melise,
Plaintiffs-Appellants,

-against-

M-166
Index No. 304939/12

Albert Einstein College of Medicine,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about February 27, 2014,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 12, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X
Walter Russell, et al.,
Plaintiffs-Respondents,

-against-

M-441
Index No. 304608/13

Mortgage Electronics Systems, Inc.,
as Nominee for Freemont Investment
and Loan,
Defendant-Appellant,

U.S. Bank National Association,
etc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time
to perfect the appeal from the order of the Supreme Court, Bronx
County, entered on or about March 27, 2014,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the September 2015
Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 12, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Sahara Victoria M., Gabriel Salvador M.,
Sabriel Ramon M., Isael Gael M.,

Children Under the Age of 18 Years Alleged
to be Neglected Pursuant to §384-b
of the Social Services Law,

Administration for Children's Services,
Petitioner-Respondent,

Salvador Elias M.,
Respondent-Appellant.

M-6381
M-211
Docket Nos.
N25563-66/13
NN-05171-3/12

-----X

Respondent-appellant having by moved by separate motions
for leave to prosecute, as a poor person, the appeal from the
order of the Family Court, Bronx County, entered on or about
February 10, 2012 (Docket Nos. NN-5171-3/12), for assignment of
counsel, a free copy of the transcript, and related relief,

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, with leave to renew
upon submission of a detailed notarized affidavit, pursuant to
CPLR 1101(a), setting forth facts sufficient to establish that
appellant has no funds or assets with which to prosecute appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

Kelly Ann Junior, et al.,
Plaintiffs-Appellants,

-against-

M-5951
Index No. 102435/12

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

-----X

Plaintiffs-appellants having moved for a stay of proceedings in the matter, Hudsonview Co. v Junior, Civil Court of the City of New York, L&T Index No. 6522/11, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 30, 2014, 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 granted to the extent of permitting plaintiff to appeal on the original record and otherwise denied. The interim relief granted by an order of a Justice of this Court, dated December 1, 2014, is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Judith J. Gische, Justices.

-----x

Wathne Imports, Ltd.,
Plaintiff-Appellant,

-against-

M-411
Index No. 603250/05

PRL USA, Inc., et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 7, 2015, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to enlarge the record on appeal to include certain documents and briefs with respect to a related case,

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 taking judicial notice of Exhibits "F, G, and H" annexed to plaintiff-appellant's moving papers dated January 28, 2015 and directing plaintiff-appellant to file 9 copies of the aforesaid exhibits "F", "G", and "H" forthwith otherwise the motion is denied to the extent plaintiff seeks to supplement the record on appeal. Sua sponte all references to the documents other than exhibits "F", "G", and "H" at page 6 of the appellant's brief are deemed stricken.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Marina Colettis,
Plaintiff,

-against-

M-583
Index No. 313512/12

George-Anthony Colettis,
Defendant.
-----X

Defendant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about December 15, 2014,

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
The Bank of New York as Trustee for the
Certificateholders CWMBS, Inc., et al.,
Plaintiff-Respondent,

-against-

M-313
Index No. 111245/08

The Board of Managers of 103 Greene
Street Condominium,
Defendant-Appellant,

Robert W. O'Neel, III, et al.,
Defendants.

-----X

Plaintiff-respondent having moved to dismiss the appeal from of the Supreme Court, New York County, entered on or about December 23, 2013 (mot. seq. no. 003),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Emmanuel O. Okocha,
Plaintiff-Appellant,

-against-

M-6300
Index No. 103637/09

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

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 25, 2014 (Appeal No. 13620),

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Daniel Alvarez,
Plaintiff-Respondent,

-against-

M-5557
Index No. 306974/09

Jose Beltran, et al.,
Defendants-Respondents,

The City of New York,
Defendant-Appellant,

P.O. LaMastro, etc.,
Defendant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 14, 2014 (Appeal No. 13196),

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X

In re Kenneth Cole Productions, Inc.,
Shareholder Litigation,

Erie County Employees Retirement
System,
Lead Plaintiff-Appellant,

-against-

M-6263
Index No. 650571/12

Michael J. Blitzler, et al.,
Defendants-Respondents.

-----X

Lead plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 20, 2014 (Appeal No. 13328),

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.

ENTER:


CLERK

At a term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on March 12, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
In re Theophilus Burroughs,
Petitioner,

-against-

M-6282
Index No. 3216/10

Hon. Steven Barrett, et al.,
Respondents.

-----X

Petitioner having moved for clarification of this Court's
order entered on November 6, 2014 (Appeal No. 13440 [M-3561]),

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Dynasty Stainless Steel and Metal
Industries, Inc.,
Plaintiff-Appellant,

-against-

M-697
Index No. 650899/13

New York City Housing Authority and
STV Construction, Inc.,
Defendants-Respondents.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 18, 2014 and April 23, 2014, respectively,

And counsel for plaintiff-appellant Spizz Cohen & Serchuk, P.C. (Craig M. Nisnewitz, of Counsel) having moved to withdraw as counsel and for an enlargement of time to perfect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting counsel for plaintiff-appellant to withdraw as appellate counsel and enlarging the time to perfect the appeals to the September 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on March 12, 2015.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-314
Ind. No. 3817/94

Richard Dominguez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the
Court of Appeals from the decision and order of this Court
entered on October 7, 2014 (M-1667),

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.

ENTER:


CLERK

P.M ORDERS FOR MARCH 12, 2015

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 March 12, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X

Board of Managers of the Number 5
Condominium,

Plaintiff-Appellant,

-against-

M-224

M-225

Index No. 153192/12

44th Street Partners I, LLC, et al.,
Defendants-Appellants,

Philip Johnson/Alan Ritchie
Architects, P.C., et al.,
Defendants-Respondents.

-----X

(And other actions)

Separate appeals having been taken by plaintiff-appellant Board of Managers of the Number 5 Condominium and by defendants-third party plaintiffs-appellants 44th Street Partners I LLC, Five East 44th LLC, Isamu Suzuki, Patrick Thompson, TWP Capital Partners I, LLC, from the order of the Supreme Court, New York County, entered on or about October 17, 2014,

And defendants-respondents, Philip Johnson/Alan Ritchie Architects, P.C., Alan Ritchie, William Q. Brothers III Architect P.C. and William Q. Brothers, III, having moved by separate motions to dismiss the appeal of defendants-third party plaintiffs-appellants 44th Street Partners I LLC, Five East 44th LLC, Isamu Suzuki, Patrick Thompson, TWP Capital Partners I, LLC, (M-224) and the appeal of plaintiff-appellant (M-225),

Now, upon reading and filing the papers with respect to the motions, and the stipulation between defendants-respondents, Philip Johnson/Alan Ritchie Architects, P.C., Alan Ritchie, William Q. Brothers III Architect P.C. and William Q. Brothers, III, and defendants-third party plaintiffs-appellants 44th Street Partners I LLC, Five East 44th LLC, Isamu Suzuki, Patrick Thompson, TWP Capital Partners I, LLC, dated March 4, 2015, and due deliberation having been had thereon, it is

Ordered that the appeal of defendants-third party plaintiffs-appellants 44th Street Partners I LLC, Five East 44th LLC, Isamu Suzuki, Patrick Thompson, TWP Capital Partners I, LLC and the motion of defendants-respondents Philip Johnson/Alan Ritchie Architects, P.C., Alan Ritchie, William Q. Brothers III Architect P.C. and William Q. Brothers, III to dismiss the aforesaid appeal of defendants-third party plaintiffs-appellants are deemed withdrawn in accordance with the aforesaid stipulation (M-224). Defendants-respondents' motion to dismiss plaintiff-appellant's appeal is granted to the extent of dismissing the appeal taken by plaintiff-appellant unless said appeal is perfected on or before July 13, 2015 for the September 2015 Term (M-225).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 17, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Rose B-P.,

A Child Subject of a Foster Care
Placement Proceeding

M-478

Docket No. L-17332/09

- - - - -

Administration For Children's
Services,
Petitioner-Respondent,

Robin B-P.,
Respondent-Appellant.

- - - - -

Peggy Tarvin, Esq.,
Lawyers For Children,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 13, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York, 11791, Telephone No. (516) 921-8800, 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 therefor;¹ **within 30 days (FCS 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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 March 12, 2015.

Present - Hon. Peter Tom,	Justice Presiding,
Rolando T. Acosta	
Richard T. Andrias	
Karla Moskowitz	
Barbara R. Kapnick,	Justices.

-----x
Vista Developers Corp., etc.,

Plaintiff-Appellant,

-against-

M-589
Index No. 651378/14

The Board of Managers of the Diocesan
Missionary, et al.,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 12, 2015 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 17, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

- - - - -
DeeAnna C., Docket Nos. V-31895/13
Petitioner-Appellant, V-31896/13

-against-

Jessica C.,
Respondent-Respondent,

Nicholas Martin O.,
Respondent-Respondent.

- - - - -
Randall Carmel, Esq.,
Attorney for the Children.
-----X

Elliot Podhorzer, Esq., Family Court attorney for the subject children, having moved on said children's behalf for leave to respond, as a poor persons, to the appeal from the order of the Family Court, New York County, entered on or about April 9, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800,

as counsel for purposes of responding to the appeal on said children's behalf; (2) permitting movant(s) to respond to the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 March 12, 2015.

Present - Hon. Peter Tom,	Justice Presiding,
Richard T. Andrias	
David B. Saxe	
Sallie Manzanet-Daniels	
Barbara R. Kapnick,	Justices.

-----x

In the Matter of the Application of
Glen Fox,
Petitioner-Respondent,

For a Judgment Pursuant to Article 75
of the CPLR,

M-829
Index No. 101263/13

-against-

The New York City Department of
Education,
Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 9, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2015 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 12, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of a Custody/Visitation
Proceeding Pursuant to Article 6 of
the Family Court Act,

-----X
Antonio Dwayne G., M-690
Petitioner-Appellant, Docket No. V-5363-03/14N

-against-

Ericka Monte E.,
Respondent-Respondent.

-----X
Karen J. Freedman, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 9, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, 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 therefor;¹ **within 30 days (FCS 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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