

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 24, 2015.

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

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

-against-

M-771
Ind. No. 409/13

David Lopez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated February 11, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 24, 2015.

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

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

-against-

James Pamphile,
Defendant-Appellant.

M-772
Ind. Nos. 2549/12
1881/12

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated February 9, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 24, 2015.

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

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

-against-

M-785
Ind. No. 789/14

Manuel D. Quezada,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated February 17, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 24, 2015.

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

-----X
PR Newswire Association LLC,
Plaintiff-Respondent,

-against-

M-931X
Index No. 652690/13

Vita William Lucchetti, doing
business as Macreportmedia, Inc.,
et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 7, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 2, 2015, and due deliberation having been had thereon,

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

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 24, 2015.

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

-----X
Joyce Lopez and Louis Nazario,
Plaintiffs-Respondents,

-against-

M-815X
Index No. 308314/11

Christopher A. Jones,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 27, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 24, 2015, and due deliberation having been had thereon,

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

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 24, 2015.

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

-----X
Daniel Fraser, et al.,
Plaintiffs-Respondents,

-against-

M-930X
Index No. 350044/11

NAACP Co-op City Day Care Center,
Defendant-Appellant,

Riverbay Corporation,
Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about July 29, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 24, 2015, and due deliberation having been had thereon,

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

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 24, 2015.

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

-----X

Marsha Lopicola and Joseph Lopicola,
Plaintiffs-Appellants,

M-2

M-158

M-419

-against-

Index No. 105669/11

CLK HP 225 Rabro, LLC, ABM Janitorial
Services - Northeast, Inc., CLK Properties,
Bank of America Corporation and CLK-HP
300 Broadhollow LLC,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from three orders of the Supreme Court, New York County, entered on or about January 28, 2014 (mot. seq. nos. 003, 004 and 005) [M-2],

And defendants-respondents CLK HP 225 Rabro, LLC, CLK Properties and CLK-HP 300 Broadhollow LLC (CLK defendants) having cross-moved to dismiss the aforesaid appeal from the aforesaid order appealed (mot. seq. no. 003) for failure to timely prosecute [M-158],

And defendants-respondents ABM Janitorial Services having cross-moved to dismiss the aforesaid appeal from the aforesaid order appealed (mot. seq. no. 004) for failure to timely prosecute [M-419],

Now, upon reading and filing the papers with respect to the motion and cross motions, 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 from the orders entered on or about January 28, 2014 (mot. seq. nos. 004 and 005) dismissing the complaint against defendants Strauss Security, Inc. and ABM Janitorial Services to the September 2015 Term [M-2].

The cross motion to dismiss the appeal taken from the order entered January 28, 2014 dismissing the complaint against defendant ABM Janitorial Services (mot. seq. no. 004) is granted accordingly unless that appeal is perfected for the September 2015 Term [M-419]. The cross motion to dismiss the appeal taken from the order entered January 28, 2014 dismissing the complaint against the CLK defendants (mot. seq. no. 003) is granted and that appeal is dismissed [M-158].

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 24, 2015.

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

-----X

Danna Novak,
Plaintiff-Appellant,

-against-

M-368

Index No. 100979/11

St. Luke's-Roosevelt Hospital Center,
Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 11, 2014,

And plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect same,

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

Ordered that the motion is granted to the extent enlarging the time to perfect the appeal to the September 2015 Term, with no further enlargements to be granted and otherwise 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 24, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

In re Grant Springer,
Petitioner-Appellant,

-against-

M-5601
Index No. 104080/12

Board of Education of the City
School District of the City
of New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 9, 2014 (Appeal No. 13156),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent leave to appeal to the Court of Appeals is sought, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which unanimously affirmed the order of Supreme Court, properly made?"***

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 24, 2015.

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

-----X

Estate of Helen Del Terzo, et al.,
Plaintiffs-Respondents,

-against-

M-506
Index No. 154950/12

33 Fifth Avenue Owners Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from an order and judgment (one paper), of the Supreme Court, New York County, entered on or about January 13, 2015,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for the September 2015 Term and on further condition plaintiffs and their immediate families be allowed to occupy the subject residence, so long as said plaintiffs remain current in payment of monthly maintenance charges, pay any assessments as may be imposed on shareholders of the subject cooperative corporation and assume all other costs of occupancy imposed on them as shareholders.

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 24, 2015.

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

-----X
2110-2118 ACPB, LLC,
Plaintiff-Respondent,

-against-

M-648
Index No. 810001/10

Lucy Holland-Harden,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for a stay of all proceedings including a certain Foreclosure Sale pending hearing and determination of the purported appeal taken from the an order of the Supreme Court, New York County, entered on or about February 10, 2015, 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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Alyssa Perez, an infant under the
age of 18 years by her Mother and
Natural Guardian Melika Laureano
and Melika Laureano, Individually,
Plaintiffs-Appellants,

-against-

M-475
Index No. 306126/11

Gasho of Japan, Inc., Gasho of
Japan Westchester, Inc., and
Gasho of Japan,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 9, 2015,

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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of
Samantha Diop,
Petitioner,

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

M-613
M-718
Index No. 401345/13

-against-

New York City Housing Authority,
Whitman Houses,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 14, 2014, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding (M-613),

And petitioner, pro se, having moved for an enlargement of time to perfect the aforesaid proceeding (M-718),

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

It is ordered that the motion is granted to the extent of dismissing the aforesaid proceeding unless perfected for the September 2015 Term (M-613). The petitioner's motion is granted to the extent of enlarging the time to perfect the proceeding to the aforesaid September 2015 Term (M-718).

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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Juliana Espinal,
Plaintiff-Appellant,

-against-

M-643
Index No. 100308/11

Hidalgo Martin and Laureano Castillo,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about March 3, 2014, for failure to timely perfect,

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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

U.S. Bank National Association,
solely in its capacity as Trustee
of the Home Equity Asset Trust
2007-3 (Heat 2007-3),
Plaintiff-Respondent-Appellant,

M-733
Index No. 651563/13

-against-

DLJ Mortgage Capital, Inc.,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 23, 2014,

And defendant-appellant-respondent having moved for an enlargement of time to perfect the appeal and cross appeal from the aforesaid order,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated February 19, 2015, 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 and cross 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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against-

M-892
Ind. No. 1881/12

Erwyn Daly,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 14, 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

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 24, 2015.

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

-----X
In Re: East 51st Street Crane Collapse Index No. 76900/08
Litigation:
-----X

Crave Foods Inc., doing business as
Crave Ceviche Restaurant,
Plaintiff,

-against- M-414
Index No. 117452/08

Rapetti Rigging Services Inc., et al.,
Defendants,

East 51st Street Development Company, LLC,
Defendant-Appellant.

-----X
In Re: East 51st Street Crane Collapse Index No. 76900/08
Litigation:
-----X

East 51st Street Development Company, LLC,
Third-Party Plaintiff-Appellant,

-against-

Favelle Favco Cranes (USA), Inc., et al.,
Third-Party Defendants-Respondents.

-----X
Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, in two related cases, *Crave Foods Inc., doing business as Crave Ceviche Restaurant v Rapetti Rigging Services Inc., et al.*, (New York County Index No. 117452/08, and *In Re: East 51st Street Crane Collapse Litigation*: (New York County Index No. 76900/08), said orders having been entered on or about November 27, 2013 and January 17, 2012, respectively,

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 consolidated appeals to the October 2015 Term, with leave to seek further enlargement, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2015.

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

-----X

Tina Iyalla,
Plaintiff-Appellant,

M-227

M-370

-against-

Index No. 118070/05

St. Luke's-Roosevelt Hospital Center,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 3, 2013,

And defendant-respondent having moved to dismiss the aforesaid appeal (M-227),

And plaintiff-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid appeal (M-370),

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

It is ordered that the appeal is dismissed unless perfected for the September 2015 Term (M-227). Time to perfect same enlarged to said September 2015 Term (M-370).

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 24, 2015.

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

-----x

Naum Friedman,
Plaintiff-Appellant,

-against-

Yakov, also known as Jacob Fayenson,
et al.,
Defendants-Respondents,

M-346
Index No. 650106/11

-and-

Korm Realty Inc.,
Nominal Defendant-Respondent.

-----X

Jacob Fayenson Revocable Trust,
Counterclaim Plaintiff-Respondent,

-against-

Naum Friedman, et al.,
Counterclaim Defendants-Appellants,

-and-

Korm Realty Inc.,
Nominal Defendant-Respondent.

-----x

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about December 9, 2013 and from an order of the same Court and Justice entered on or about September 17, 2014, respectively,

And plaintiff/counterclaim defendant-appellant and counterclaim defendants-appellants Naum Friedman, et al. 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 December 9, 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 appeals, which are, sua sponte, consolidated, to the September 2015 Term. Appellants are directed to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals.

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 24, 2015.

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

-----X

In the Matter of the Application of
CDR Créances S.A.S.,
Petitioner-Respondent,

-against-

M-504
Index No. 150583/14

First Hotels & Resorts Investments, Inc.,
also known as Les Premiers Investissements
Hoteliers & Villegiature, Inc.,
Respondent-Appellant,

Steward Title Insurance Company, et al.,
Respondents,

Maurice Cohen, et al.,
Judgment Debtors.

-----X

Petitioner-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about December 11, 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 to dismiss the appeal is granted unless the appeal is perfected for 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 24, 2015.

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

-----X
Aptuit, LLC,
Plaintiff-Respondent,

-against-

M-565
Index No. 651289/12

Columbia Casualty Company,
Defendant-Appellant,

CNA,
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 13, 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, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2015.

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

-----X
State Farm Fire and Casualty Company,
Plaintiff-Respondent,

-against-

M-424
Index No. 301056/12

Jennifer Guzman, et al.,
Defendants,

Dulce Cabrera,
Defendant-Appellant.
-----X

Defendant Dulce Cabrera having moved for an enlargement of time to perfect the consolidated appeals taken from the orders of the Supreme Court, Bronx County, entered on or about October 24, 2013 and April 15, 2014, respectively,

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 consolidated 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 24, 2015.

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

-----X
Alicia Davis,
Petitioner-Appellant,

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

-against-

M-552
Index No.101073/13

New York City Board Department of
Education,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 3, 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 24, 2015.

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

-----X

The People of the State of New York,
Respondent,

-against-

Arthur Franklin,
Defendant-Appellant.

M-553
Ind. Nos. 5749/09
4253/09
3727/10

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about January 9, 2012, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before August 10, 2015 for the October 2015 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 24, 2015.

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

-----X
WM Specialty Mortgage LLC,
Plaintiff-Respondent,

-against-

M-560
Index No. 381160/07

Abul K. Azad,
Defendant-Appellant,

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

-----X

Defendant-appellant having moved for an enlargement of
time to perfect the appeal from an order of the Supreme Court,
Bronx County, entered on or about March 28, 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 24, 2015.

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

-----X
23 East 39th Street Management
Corporation,
Plaintiff,

-against-

23 East 39th Street Developer, LLC,
et al.,
Defendants.

M-621
Index No. 117303/08

-----X
23 East 39th Street Developer, LLC,
Defendant/Counterclaim Plaintiff-
Respondent-Appellant,

-against-

Allen Gutterman,
Counterclaim Defendant-Appellant-
Respondent.

-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 10, 2014,

And defendant/counterclaim plaintiff-cross-appellant having moved for an enlargement of time to perfect their cross appeal taken from 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 granted to the extent of enlarging the time to perfect the appeal and cross 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 24, 2015.

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

-----X

In the Matter of the Application of
Aboubacar Diawara,
Petitioner,

M-624

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

Index No. 402502/12

-against-

ALJ Hashim Rahman, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 20, 2013, to review a determination of respondents,

And petitioner, pro se, having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file ten copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time to perfect the proceeding 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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Nancy Salomon-Cox and Wayne Baumann,
Plaintiffs-Appellants.

-against- M-403
Index No. 24195/14
Expert Builders 26 Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 20, 2015,

And plaintiffs-appellants having moved for an "interim stay" of execution 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 deemed one for a stay of the aforesaid order entered January 20, 2015 pending hearing and determination of the appeal taken therefrom, and as such is denied. The interim relief granted by a Justice of this Court, dated January 28, 2015, 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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x

Baxter Street Condominium, by its Board
of Managers,

Plaintiff-Respondent,

-against-

M-602

Index No. 650962/12

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

-----x

Baxter Street Condominium,
Plaintiff-Respondent,

-against-

Index No. 650964/12

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

-----x

Baxter Street Condominium,
Plaintiff-Respondent,

-against-

Index No. 650965/12

LPS Baxter Holding Co., LLC,
Defendant-Appellant.

-----x

Separate appeals having been taken to this Court by defendant-appellant LRS Baxter Holding Co., LLC from orders of the Supreme Court New York County, all entered on or about April 18, 2014 and from order and judgments (one paper) all entered on or about October 27, 2014, respectively, in the above captioned matter,

And defendant-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on April 18, 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 permitting appellant to prosecute the aforesaid appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time to perfect the consolidated appeals to on or before July 13, 2015 for 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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Reed Smith LLP,
Plaintiff,

-against-

M-713

Index No. 654213/12

Big Red Investments Partnership,
Ltd., et al.,
Defendants,

Leed HR, LLC,
Defendant-Appellant,

Genesis Merchant Partners, LP, et al.,
Intervenors-Respondents.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 19, 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 24, 2015

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
Lloyd A. Gelwan,
Plaintiff-Appellant,

-against-

M-717
Index No. 653656/13

Youni Gems Corporation, et al.,
Defendants-Respondents,

-and-

Sabharwal & Associates,
Nominal Defendant-Appellant.
-----x

Appeals having been taken to this Court from orders of the
Supreme Court, New York County, entered on or about August 12,
2014 (mot. seq. nos. 001 and 002), respectively,

And plaintiff-appellant, pro se, having moved for an
enlargement of time to perfect his appeal from the aforesaid
orders and to continue the stay previously granted by an order of
this Court entered on December 23, 2014 (M-5223), pending hearing
and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect plaintiff's and nominal defendant's
appeals to the September 2015 Term and continuing the aforesaid
stay on condition plaintiff perfects his appeal for said
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 24, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
Rajagopala S. Raghavendra, also known as
Randy S. Raghavendra, etc.,
Plaintiff-Appellant,

-against-

M-543
Index No. 600002/11

Edward A. Brill, etc., 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 February 4, 2014 (mot. seq. nos. 3-5, 9-10), and said appeal having been perfected,

And plaintiff-appellant having moved for leave to strike portions of the respondents' briefs 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.

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 24, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Dr. Ivan O. Subervi, M.D.,
Petitioner-Appellant,

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

-against-

M-754
Index No.101326/13

Federation of State Medical Boards,
et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 25, 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 24, 2015.

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

-----X
Michael P. Thomas,
Petitioner-Respondent,

-against-

M-495
Index No. 103434/12

Richard J. Cordon, et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time to perfect their appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 29, 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

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 24, 2015.

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

-----X
Quanisha Smith and Anthony Clavecchio,
Petitioner-Respondent,

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

-against-

Robert Doar, as Commissioner of the
New York City Human Resources
Administration,
Defendant-Appellant,

M-408
Index No. 400903/10

-and-

Kristin M. Proud, as Commissioner
of the New York State Office of
Temporary and Disability Assistance,
Defendant-Respondent.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 15, 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

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 24, 2015.

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

-----X
Derek V. Simmons,
Plaintiff-Appellant,

-against-

M-540
Index No. 105356/11

MDA Contracting Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 29, 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 24, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Anita Chanko, etc., et al.,
Plaintiffs-Respondents,

-against-

M-6377
Index No. 152552/13

American Broadcasting
Companies Inc., et al.,
Defendants-Appellants,

Anil S. Ranawat, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2014 (Appeal No. 13522),

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, insofar as it seeks reargument, is denied.

It is further ordered that the motion, to the extent they seek leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which unanimously reversed the order of Supreme Court, properly made?"***

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 24, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

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

Richard I.,
Petitioner/Respondent-Appellant,

-against-

Ann, I.,
Respondent/Petitioner-Appellant.

-----X

M-335

Docket Nos.

V-7977/11-11A, B, C & D
V-1234-98H, I, J & K

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 31, 2014,

And plaintiff-appellant, pro se, having moved for an enlargement 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 is granted to the extent enlarging the time to perfect the appeal to the September 2015 Term.

ENTER:


CLERK

P.M ORDERS
FOR MARCH
24, 2015


CLERK