

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 May 28, 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,  
ex rel. Renee C. Hill, Esq., and  
Joey Jackson, Esq., on behalf of

Khalid Nelson, Michael McKie, and  
Denise Albright,  
Petitioners-Respondents,

**M-1944**  
Index No. 260037/09

-against-

Martin F. Horn, Commissioner,  
New York City Department of Corrections,  
Respondent-Appellant.

-----X  
Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about February 6, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated May 6, 2015, and due deliberation having been had thereon,

It is ordered that the aforesaid appeals are withdrawn in accordance with the aforesaid stipulation.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 May 28, 2015.

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

-----X  
Joe Black,  
Plaintiff-Appellant,

-against-

M-2211X  
Index No. 305033/12

F & S Transportation, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the 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" May 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 28, 2015.

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

-----X  
Arbor Realty Funding, LLC,  
Plaintiff-Respondent,

-against-

Herrick, Feinstein LLP,  
Defendant-Appellant.  
-----X

M-2212X  
Index No. 651079/11

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 25, 2014 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 7, 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 May 28, 2015.

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

-----X  
Remona Griffiths,  
Plaintiff,

-against-

M-2255X  
Index No. 21235/13

Josephine Feliciano,  
Defendants.  
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about October 1, 2014 and October 24, 2014, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 11, 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 May 28, 2015.

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

-----X  
Melissa Landry,  
Plaintiff-Respondent,

-against-

M-2272X  
Index No. 154479/12

Messados, Inc., et al.,  
Defendants-Appellants.  
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2014 and March 12, 2015, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 11, 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 May 28, 2015.

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

-----X  
ADB Net Corp., et al.,  
Plaintiffs-Appellants,

-against-

M-2273X  
Index No. 156700/14

Columbian Mutual Life Insurance  
Company,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 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 May 28, 2015.

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

-----X  
Juan Del Azar,  
Plaintiff-Respondent,

-against-

M-2274X  
Index No. 157166/14

Arista Air Conditioning Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 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 May 28, 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

Geovany S.,  
Gabriela S.,  
Steven R.,  
and Abigail G.,

**M-2797A**

Children Under 18 Years of Age Alleged Docket Nos. NA-3758/13  
to be Abused and/or Neglected Under NA-3759/13  
Article 10 of the Family Court Act. NA-3760/13  
----- NA-3761/13

Administration for Children's Services,  
Petitioner-Respondent,

Martin R.,  
Respondent-Appellant,  
-----

Neal D. Futerfas, Esq.,  
Attorney for the Children.  
-----X

Elizabeth Posse, Esq., Family Court attorney for the subject children, having moved on said children's behalf for leave to prosecute, as poor persons, the appeal from an order of the Family Court, Bronx County, entered on or about April 28, 2014, for assignment of counsel, a free copy of the transcripts, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, New York, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting said children's



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 State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellants 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) appellants are 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.** (The order of this Court entered on October 7, 2014 [M-2797] is hereby recalled and vacated.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 May 28, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman, Justices.

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

Respondent,

-against-

Jerry Lineberger,

Defendant-Appellant.

**SEALED**

M-915

Ind. Nos. 5763/01  
3248/01

-----X

A decision and order of this Court having been entered on June 30, 2005 (Appeal No. 6384), unanimously affirming a judgment of the Supreme Court, New York County (Bruce Allen, J.), rendered on January 31, 2002,

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

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

It is ordered that said application 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 May 28, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
Walber 72<sup>nd</sup> Street Associates,  
Petitioner-Landlord-Respondent,

-against-

M-6047  
Index No. 570466/13

Mary Greene-Cohen, etc.,  
Respondent-Tenant-Appellant,

"John Doe",  
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant Mary Greene-Cohen having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 21, 2014, and for a stay of enforcement of the final judgment, and 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 for leave to appeal from the Appellate Term is denied. The motion to the extent it seeks a stay and other relief is denied as academic.

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 May 28, 2015.

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

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

-against-

**M-6206A**  
SCI#-01694/14

Omar Pereira-Orlando,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 1, 2014, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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 120 days from the date of filing of the record. (The order of this Court entered on May 14, 2015 [M-6206] is hereby recalled and 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 May 28, 2015.

PRESENT - Hon. Luis A. Gonzalez,	Presiding Justice,
David Friedman	
Richard T. Andrias	
Judith J. Gische	
Barbara R. Kapnick,	Justices.

-----X

Leota Susan Branche,  
Plaintiff-Respondent,

-against-

M-838  
Index No. 304723/08

Douglas Holloway,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the  
decision and order of this Court entered on January 29, 2015  
(Appeal No. 14077),

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 May 28, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-914  
Ind. No. 7065/94

Isaiah Harper,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 28, 1998 (Appeal No. 2026), unanimously affirming a judgment of the Supreme Court, Bronx County (Alexander Hunter, J.), rendered on September 11, 1996,

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

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

It is ordered that said application 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 May 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe  
Darcel D. Clark, Justices.

-----X  
Richard Propper, et al.,  
Plaintiffs-Respondents,

-against-

M-1733  
Index No. 654241/12

Harold Engel,  
Defendant-Appellant,

-and-

Aim Holdings, Inc., et al.,  
Defendants.

-----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 June 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 enlarging the time to perfect the appeal to the October 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 May 28, 2015.

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

-----X  
Marie Carole Seide, et al.,  
Plaintiffs-Appellants,

-against-

M-1854  
Index No. 350464/10

Alberto Calderon, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-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 March 3, 2015  
(Appeal No. 14386),

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 May 28, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
Cynthia Williams, as Executrix of the  
Estate of Rosalie Troche, Deceased,  
Plaintiff-Appellant,

-against-

M-1620  
Index No. 15227/06

Morningside House Nursing Home, Inc.,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved to dismiss the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 1, 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 May 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

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

-against-

M-1650  
Ind. No. 1542/13

Edward Greenman,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 18, 2014 (M-4581), granting defendant-appellant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 29, 2014, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal,

And defendant-appellant, pro se, having moved for an order relieving assigned counsel and for permission to proceed pro se on the appeal, or for alternative relief,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on April 10, 2015, advising him of the consequences of proceeding pro se, and defendant having responded hereto on April 16, 2015; and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of Richard M. Greenberg, Esq., as counsel to prosecute the appeal, and continuing the poor person relief previously granted by this Court's order entered on November 18, 2014 (M-4581).

The Clerk is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court.

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 May 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

In re Jay Bradshaw,  
Petitioner,

**M-1850**

-against-

Ind. No. 3206/04

Hon. Denis J. Boyle, etc.,  
Respondent.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 17, 2015 (Appeal No. 14400), and for poor person relief therein,

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 the extent it seeks leave to appeal to the Court of Appeals, is denied. So much of the motion which seeks poor person relief is denied as academic.

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 May 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
In the Matter of a Proceeding for Support  
Under Article 4 of the Family Court Act

Commissioner of Social Services, on  
behalf of Denise Hamilton,  
Petitioner,

M-1073  
Docket No. F-28878/11

-against-

Kenneth Banks,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to file a notice of appeal from an order of the Family 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 denied, with leave to renew, upon submission of an affidavit by respondent setting forth the date upon which respondent was served the aforesaid May 19, 2014 order, and by whom it was served on him (FCA §1113).

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 May 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X  
The People of the State of New York  
ex rel. David Young,  
Petitioner,

-against-

M-1568  
Ind. No. 122/14

Warden K. Stuckes, NYC Department  
of Corrections,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, and for leave to prosecute the matter as a poor person 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 application for the writ is hereby denied (CPLR 7002(6)(2), and

It is further ordered that said writ is dismissed and petitioner's application for poor person relief is denied, without prejudice to seeking same on direct 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 May 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
184-188 Claremont Investors, LLC,  
Petitioner-Respondent,

-against-

**M-1907**

Index No. 570491/13

Austin Ira Nelson,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from an order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 11, 2015, and for a stay of said order pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

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 May 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
Diane T. Renwick  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Ivan Dorador,  
Plaintiff-Respondent,

-against-

Trump Palace Condominium,  
Defendant-Appellant.

**M-1732**

Index Nos. 101992/09  
590446/09  
590297/10

[And a Third-Party Action]

Trump Palace Condominium,  
Second Third-Party Plaintiff-Appellant,

-against-

R&J Company, LLC, et al.,  
Second Third-Party Defendants.

-----X

Defendant/second third-party plaintiff, Trump Palace Condominium, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 24, 2015 (Appeal Nos. 14602, 14603 and 14604),

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 May 28, 2015.

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

-----X  
Chelsea 18 Partners, LP,  
Plaintiff-Appellant-Respondent,

-against-

M-1500  
Index No. 110264/10

Sheck Yee Mak, et al.,  
Defendants-Respondents-Appellants,

Michael Mak, et al.,  
Defendants.

-----X

Plaintiff-appellant-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 March 10, 2015 (Appeal No. 14457),

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 May 28, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----=X

In the Matter of

Amarnee Tia-Regeena T.,  
also known as Amarnee T.;  
Egypt Asia T.,  
also known as Egypt T.;  
Maya Iona-Sawn T.,  
also known as Maya T.;  
and Savannah Luella T.,  
also known as Savannah T.,

**M-2113**

**M-2184**

Docket Nos. B-32802/11  
B-32803/11  
B-32804/11  
B-32805/11

Dependent Children Under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law of the State  
of New York.

- - - - -  
Graham-Windham Services to Families  
and Children, et al.,  
Petitioners-Respondents,

Tanya T.,  
Respondent-Appellant.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children.

-----=X

Respondent-appellant mother having taken four separate  
appeals from the same order of the Family Court, Bronx County,  
entered on or about February 20, 2015,

And petitioners-respondents having moved for dismissal of the appeal taken with respect to the child, Savannah Luella T., also known as Savannah T., (Docket No. B-32805/11), as academic (M-2113),

And respondent-appellant mother having cross-moved for leave to prosecute, as a poor person, the aforesaid four appeals all taken from the order of the Family Court, Bronx County, entered on or about February 20, 2015, for assignment of counsel, a free copy of the transcript(s), and for related relief (M-2184),

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 petitioners-respondents' motion for the dismissal of the appeal taken with respect to the child, Savannah Luella T., also known as Savannah T., (Docket No. B-32805/11) is granted and said appeal is dismissed (M-2113), and it is further

Ordered that respondent-appellant mother's motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the remaining three appeals (under Docket Nos. B-32802/11, B-32803/11 and B-32804/11); (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect said appeals,

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

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:

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 May 28, 2015.

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

-----X

The People of the State of New York,  
Respondent,

**M-4759**

-against-

Ind. No. 4075/10

Thomas P. Olsen,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 17, 2015 (Appeal No. 14532) unanimously affirming the judgment of the Supreme Court, New York County, rendered on or about March 28, 2012,

And defendant having moved for an order of this Court appointing a Special Prosecutor for the purpose of reviewing the aforesaid decision and order of this Court,

Now, upon reading and filing the papers with respect to the motion, and correspondence from defendant, dated October 28, 2014, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 May 28, 2015.

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

-----X  
In the Matter of Shahnawaz Khan,  
Petitioner-Appellant,

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

-against-

M-1832  
Index No. 101284/13

The New York City Health and  
Hospitals Corporation, 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 July 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 enlarging the time to perfect the appeal to the November 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 May 28, 2015.

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

-----X  
Jessie Nizewitz,  
Plaintiff-Appellant,

-against-

Viacom International, Inc., et al.,  
Defendants-Respondents.

M-1903  
Index No. 158209/14

-----X

Plaintiff-appellant having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 30, 2015 (mot. seq. no. 002),

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 May 28, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Sammy Group LLC,  
Petitioner-Landlord-Respondent,

-against-

M-1709  
Index No. 570780/14

Carlotta Evans,  
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk 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 May 28, 2015.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Town New Development Sales & Marketing  
LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-1794  
Index No. 653281/13

Charles Reid Price,  
Defendant-Appellant.

-----X

Defendant-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 April 16, 2015 (Appeal No. 14846),

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 May 28, 2015.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Adoption of a  
Child Whose First Name is:

Nevaeh R.,

M-1612  
Docket No. A-707/14

Rueben McG.,  
Respondent-Appellant.

-----X  
Respondent-appellant-putative father having moved for an order staying the adoption pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 12, 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 denied and the interim relief granted by an order of a Justice of this Court dated April 13, 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 May 28, 2015.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Judith Kingman, et al.,  
Petitioners-Landlords-Respondents,

-against-

M-1758  
Index No. 570019/14

Amoore Ltd., doing business as Commerce  
Restaurant, Ground Floor and Certain  
Basement Space, 50 Commerce Street,  
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about March 11, 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 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 May 28, 2015.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Deutsche Bank AG,  
Plaintiff-Respondent,

-against-

M-1777  
Index No. 651676/13

URBI, Desarollos Urbanos, S.A.B.,  
de C.V., et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, entered on or about June 4, 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

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

BEFORE: Hon. Paul G. Feinman  
Justice of the Appellate Division

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

M- 1481  
Ind. No. 515/2008

-against-

CERTIFICATE  
DENYING LEAVE

Jamar Dingle

Defendant.

-----X  
I, Paul G. Feinman, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and for related relief, and upon the record and  
proceedings herein, there is no question of law or fact presented  
which ought to be reviewed by the Appellate Division, First  
Judicial Department, and permission to appeal from the order of  
the Supreme Court, Bronx County (Dominic R. Massaro, J.), entered  
on or about February 19, 2015, is hereby denied. So much of the  
motion which seeks poor person and other relief is denied as  
academic.



Associate Justice

Dated: May 12, 2015  
New York, New York

ENTERED: May 28, 2015

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-1473  
Ind. No. 844/90

-against-

CERTIFICATE  
DENYING LEAVE

Kain Melendez,

Defendant.  
-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about February 6, 2015 (Robert E. Torres, J.) is hereby denied.

  
Associate Justice

Dated: May 18, 2015  
New York, New York

ENTERED: May 28, 2015

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

BEFORE: **Hon. Angela M. Mazzarelli,**  
Justice of the Appellate Division

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

M-489  
Ind. No. 0727/82

-against-

CERTIFICATE  
DENYING LEAVE

**Richard Sloan,**

Defendant.  
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (A. Kirke Bartley, J.), entered on or about October 20, 2008, is hereby denied.

  
Justice

Dated: New York, New York  
May 20, , 2015  
Entered: May 28, 2015

P.M ORDERS  
FOR MAY 28,  
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 May 28, 2015.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York  
ex rel. Peter Katz, Esq., on behalf  
of Alanzi, Norah,

Petitioner-Appellant,

-against-

Joseph Ponte, Commissioner of NYC  
Department of Corrections, City of  
New York,

Respondent-Respondent.

-----X

**M-1323**

Index No. 100360/15

Ind. Nos. 5004/13

4608/14

5416/14

A purported appeal having been taken from an order of the Supreme Court, Criminal Term, New York County, entered on or about March 9, 2015, which denied and dismissed petitioner's writ of habeas corpus,

And petitioner having moved to reduce bail pending hearing and determination of the aforesaid purported appeal, and to expedite the hearing of 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 denied and the interim relief granted by order of a Justice of this Court, dated March 26, 2015, is vacated and petitioner is directed to surrender herself forthwith or meet the original bail amount set by Supreme Court. Sua sponte, the purported 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 May 28, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

AMEC Construction Management, Inc.,  
Plaintiff,

-against-

M-1616  
Index No. 604391/04

City of New York and Mazzocchi  
Wrecking, Inc.,  
Defendant.

-----X

Mazzocchi Wrecking, Inc.,  
Plaintiff,

-against-

Index No. 111906/05

Evergreen Recycling of Corona and  
City of New York,  
Defendants.

-----X

Tully Environmental, Inc. (named  
herein) and doing business as  
Evergreen Recycling of Corona,  
Third-Party Plaintiff-Respondent,

Third-Party  
Index No. 591292/05

-and-

Bovis Lend Lease LMB, Inc.,  
Third-Party Defendant-Appellant,

-against-

AMEC Construction Management, Inc.,  
Third-Party Defendant.

-----X

Third-party 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 March 26, 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 on condition third-party defendant-appellant perfects their appeal 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 May 28, 2015.

Present: Hon. David Friedman,	Justice Presiding,
Rolando T. Acosta	
Karla Moskowitz	
Rosalyn H. Richter	
Paul G. Feinman,	Justices.

-----X  
Allenby, LLC and Haygood, LLC,  
Plaintiffs-Respondents,

**M-1857**

-against-

Index No. 652491/13

Credit Suisse AG, et al.,  
Defendants-Appellants.

-----X

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

And defendants-appellants having moved for a stay of enforcement of certain directives related to the appeal having been made by the Supreme Court on April 16, 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 only to the extent of granting a discretionary stay of the April 16, 2015 order on condition that the defendants-appellants perfect an appeal therefrom with a record that includes only those documents that would not be included in the record for the July 10, 2014 appeal, on or before July 13, 2015 for the September 2015 Term, and the two appeals calendared together and otherwise denied.

ENTER:

  
CLERK