

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2435
Ind. No. 937/11

-against-

CERTIFICATE
DENYING LEAVE

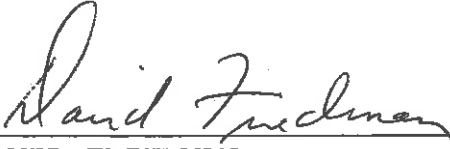
Eddy Coello,
Defendant.

-----X
I, DAVID FRIEDMAN, 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, section 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 March 31, 2017, is hereby denied. To the extent that
defendant seeks poor person relief and assignment of counsel,
that motion is hereby denied as academic.

Dated: New York, New York
June 28, 2017

ENTERED

JUL 06 2017



DAVID FRIEDMAN
Justice of the Appellate Division

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

✓

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 2372
Ind. No. 10513/97

-against-

CERTIFICATE
DENYING LEAVE

Darryl Phelps,

Defendant.

-----X

I, Cynthia S. Kern, 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 (Kevin B. McGrath, Jr., J.), entered on or about April 19, 2017, is hereby denied, and the application for poor person relief is therefore moot.

Dated: June 7, 2017
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: **JUL 06 2017**

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 July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-2477
Ind. No. 624/11

Vladimir Matos,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on October 21, 2014 (Appeal No. 13268), unanimously affirming a judgment of the Supreme Court, New York County (Michael Sonberg, J.), rendered on May 11, 2012,

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----x

In the Matter of Amy R. Weissbrod
Gurvey,

Petitioner-Appellant,

-against-

M-2520
Index No. 100163/15

State of New York, et al.,
Respondents-Respondents.

-----x

A purported appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 18, 2017,

And petitioner-appellant having moved for an order directing this Court to permit the filing and service of her amended complaint "and motion to renew and reargue", for a stay, 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-2785
Ind. No. 185/15

Jonathan Hodgson,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on April 20, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2017,

Now, upon reading and filing the Supreme Court order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Latoya Lowe-Garcia,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2410
of the CPLR, Index No. 101109/16

-against-

New York City Housing Authority,
Martin Luther King Towers,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment of the Supreme Court, New York County, entered on or about April 24, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of appellate counsel, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion, to the extent it seeks the assignment of appellate counsel, is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Richard T. Andrias
Karla Moskowitz, Justices.

-----x
Christopher Scott,

Plaintiff-Appellant,

-against-

M-2382
Index No. 151828/16

Pleasure Leasing Ltd., et al.,

Defendants-Respondents.
-----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 October 18, 2016,

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 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Judith J. Gische, Justices.

-----x
In the Matter of the Application of
Najda Marcoz, et al.,
Petitioners-Respondents,

For an Order and Judgment pursuant to
RPAPL § 881,

M-2809
Index No. 651302/17

-against-

Bridge Land West, LLC,
Respondent-Appellant.
-----x

Respondent-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about May 11, 2017, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-2367
Ind. No. 666/15

Anthony Hubbard,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 13, 2016, as moot,

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 appeal withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

M-2299
Ind. No. 3655/14

Edward Garcia,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 12, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-2304
Ind. No. 229/04

Joseph Watson,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about October 27, 2004,

And an order of this Court having been entered on April 27, 2017 (M-961), denying defendant-appellant's motion to relieve counsel and to proceed pro se in connection with the aforesaid appeal, with leave to renew, as indicated,

And defendant-appellant having renewed the motion to relieve assigned counsel and to proceed pro se on the appeal,

Now, upon reading and filing the papers with respect to the motion; and a letter issued by the Court to appellant on February 24, 2017, advising him of the consequences of proceeding pro se, and defendant having responded thereto on April 29, 2017; and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as counsel to prosecute the appeal, and continuing the poor person relief previously granted by this Court's order entered on March 1, 2016 (M-100).

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 from 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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----x
In the Matter of

Kenny J. M.,

A Child Under 18 Years of Age Alleged
to be Neglected and/or Abused Under
Article 10 of the Family Court Act.

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

M-2479
Docket No. NN-10159/14

John M.,
Respondent-Appellant.

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

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of fact-finding and disposition of the Family Court, Bronx County, entered on or about November 17, 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 October 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----x
Christopher Moscione,
Plaintiff-Respondent-Appellant,

-against-

QP11-43-23 Ithaca Street, LLC, M-2345
initially sued herein as OPII - M-2395
43-23 Ithaca Street, LLC, et al., Index No. 156835/13
Defendants-Appellants-Respondents,

-and-

Guardsman Elevator Co., Inc.,
Defendant.

-----x

Defendants-appellants-respondents having moved for an enlargement of time to perfect the direct appeal from the order of the Supreme Court, New York County, entered on or about August 8, 2016 (M-2345),

And plaintiff-respondent-appellant having moved for an enlargement of time to perfect the cross appeal (M-2395),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the October 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. David Friedman,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische
Ellen Gesmer,

Justice Presiding,

Justices.

-----X
1471 Second Corp.,

Plaintiff-Appellant,

-against-

M-2584
Index No. 652594/13

Nat of New York Corp., et al.,

Defendants-Respondents.
-----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 June 20, 2016,

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 2017 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----x
R.S.,

Plaintiff-Respondent,

-against-

M-2438
Index No. 350001/12

B.L.,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the judgment of divorce of the Supreme Court, New York County, entered on or about April 7, 2015,

And counsel for defendant-appellant having moved for a stay of the order pending hearing and determination of the aforesaid appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant dated May 15, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Karla Moskowitz
Judith J. Gische, Justices.

-----x
Five Star Contracting Companies, Inc.,

Plaintiff-Appellant,

-against-

M-2460
Docket No. 650707/13

Fashion Institute of Technology,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for a stay of the deposition of a non-party pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 2017, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated May 23, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

-----X
Marino Severino, et al.,
Plaintiffs-Respondents,

-against-

Mark Weller, M.D. et al.,
Defendants-Appellants,

M-1518
M-1605
Index No. 106422/09

-and-

James Lee, M.D., et al.,
Defendants.

-----X

Defendant-appellant The New York Presbyterian Hospital 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 February 21, 2017 (Appeal Nos. 2553-2553A) [M-1518],

And defendant-appellant Mark Weller, M.D. having separately moved for the aforesaid relief [M-1605],

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
2138747 Ontario, Inc.,

Plaintiff-Appellant,

-against-

M-2813X
Index No. 653270/14

Samsung C&T Corporation, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 28, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2878

Ind. No. 4833/15

Angel Torres,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 17, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

Jason F.,

Plaintiff-Respondent-Appellant,

-against-

M-2810X

Index No. 305964/10

Wendy F.,

Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 9, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 23, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Jacqueline Martinez,

Plaintiff-Respondent,

-against-

M-2812X

Index No. 304030/14

Richard Cicalese Truck, Inc.,
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 10, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 9, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Franklin Molina,
Plaintiff-Respondent,

-against-

West 149 Street Apartments L.P., et al., Index No. 111228/11
Defendants-Appellants, M-2893X

West 149th Street GP Inc., et al.,
Defendants.

- - - - -
[And other actions]

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 15, 2015 and October 18, 2016, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 17, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2944

Ind. No. 2130/15

Hassan Butler,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 24, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated June 1, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2956

Ind. No. 1593/15

Nathaniel Nurse,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 24, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
MIP 145 East 57th Street, LLC,
Plaintiff-Respondent,

-against-

Art Capital Group, LLC, also known as
Art Capital Group, Inc.,
Defendant-Appellant,

M-2977X
Index No. 156209/12

Ian Peck,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 22, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 1, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
PNR Properties, LLC,
Plaintiff-Respondent,

-against-

M-2978X
Index No. 652732/16

DVIR MOG 18, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 21, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 23, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Minelli Construction Co., Inc.,
Plaintiff-Respondent,

-against-

M-2979X
Index No. 105989/11

WDF, Inc., et al.,
Defendants-Appellants,

New York City Transit Authority,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 28, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 23, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
James R. Sullivan, et al.,
Plaintiffs-Respondents,

-against-

M-2985X
Index No. 118013/06

Dr. Joshua B. Hyman,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 6, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 25, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
PWV Acquisition LLC.,
Plaintiff-Respondent,

-against-

M-2986X
Index No. 152612/15

Stacie Poole,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 14, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 31, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Bonnie Tchapraсте,
Plaintiff-Respondent,

-against-

M-3037X
Index No. 161408/13E

Slow Taxi Corp., et al.,
Defendants-Appellants,

Schanan Tchapraсте,
Defendant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 19, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 5, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3063

Ind. No. 1563/14

Jabari Baxter,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 28, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 29, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
John Carney,
Plaintiff-Respondent,

-against-

M-3076X
Index No. 403109/11

MTA New York City Transit,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 1, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 7, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

-----X

Francisco Garay,
Plaintiff-Respondent,

-against-

M-3077X

Index No. 309360/10

F.I.T. Student Housing Corporation,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 21, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 6, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

-----x
William C. Samuels,
Plaintiff-Respondent,

-against-

M-1848
Index No. 107142/04

Consolidated Edison Company of New York,
Inc.,
Defendant-Appellant.

- - - - -
[And other actions]

-----x

Defendant-appellant having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about May 16, 2016,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated May 16, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Angela M. Mazzairelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X

Moughees A. Kahn,
Plaintiff-Respondent,

-against-

M-2419

Index No. 155050/12

Goldmag Hacking Corp., et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for renewal or reargument of the decision and order of this Court, entered on April 4, 2017 (Appeal No. 2881),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties herein, dated June 5, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-2366
Case No. 99065/16

Eric Rivera,
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 (Efrain Alvarado, J.), entered on or about April 3, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Rosemary Herbert, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

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

-against-

M-2444
Ind. No. 1540N/14

Juan Valdez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely 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 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-2452
Ind. No. 1540/15

Steven Jude,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 14, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-2459
Ind. No. 4863/12

Pedro Hernandez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2524
Ind. No. 4599/09

Errol Phillips,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Wittner, J.), entered on or about April 27, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2776

Ind. No. 2321/16

Johnny Moises,
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 (Bruce, J.), entered on or about April 7, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2777

Ind. No. 847/12

Anthony Almonte,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Konviser, J.), entered on or about March 30, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Konviser as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-2795

Ind. No. 3032/14

Leroy Hayes,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on January 24, 2017, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 24, 2017,

Now, upon reading and filing Supreme Court's order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-2870
Ind. No. 564/16

Travis Pettitway,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2177
Ind. No. 12029/94

Mike Whitehead, also known as
Michael Whitehead,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 11 1995, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----x
Lydia Livingston,

Plaintiff-Appellant,

-against-

M-2352
Index No. 103084/10

New York City Transit Authority,
et al.,

Defendants-Respondents.
-----x

Plaintiff-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 July 25, 2016,

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 2017 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----x

Pamela Green and David Reyes,
Petitioners-Appellants,

-against-

M-2353
File No. 2012-3948/A

Jo Anne Simon, Individually and as
Trustee of the Gerald Arthur Living
Trust, etc., et al.,
Respondents-Respondents.

- - - - -

In the Matter of the Application of
David A. Caraway, Temporary
Administrator, to compel the turnover
of property from the Estate of

File No. 2012-3948/F

Gerald W. Arthur, also known as
Gerald Arthur,

Deceased.

- - - - -

In the Matter of the Application of
Jo Anne Simon, Trustee of the Gerald
W. Arthur Living Trust to sell the
Trust Property in the Estate of

File No. 2012-3948/G

Gerald W. Arthur, also known as
Gerald Arthur,

Deceased.

-----x

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the So Ordered Stipulation of Settlement of the Surrogate's Court, New York County, entered on or about June 21, 2016,

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 2017 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----x
Ismael Sylla,

Plaintiff-Appellant,

-against-

M-2251
Index No. 451216/14

The Condominium Board of the Kips Bay
Towers Condominium, Inc., et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals from orders of the Supreme Court, New York County, entered on or about July 1, 2016 and December 21, 2016, 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 appeals to the December 2017 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Rosalyn H. Richter
Troy K. Webber, Justices.

-----x
Daniel J. McManus, et al.,
Plaintiffs-Respondents,

-against-

The Athena Group, L.L.C., et al.,
Defendants-Appellants.

M-2310

- - - - -

Index No. 113868/09

The Athena Group, L.L.C., et al.,
Third-Party Plaintiffs-Appellants,

-against-

Port Morris Tile & Marble, Corp.,
Third-Party Defendant-Respondent.

-----x

Separate appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 20, 2016,

And defendants-appellants having moved for an order deeming their notice of appeal, dated August 2, 2016, timely filed, and for an enlargement of time to perfect that appeal,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal dated August 2, 2016, timely filed (CPLR 5520). The time to perfect the appeals from the order entered on or about June 20, 2016, is enlarged to the October 2017 Term. The Clerk is directed to calendar the appeals for hearing together in said Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2879

Ind. No. 1630N/16

Felipe Vinales,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 7, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 16, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK