

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 June 13, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X  
Deutsche Bank National Trust Company,  
as indenture trustee for the Encore  
Credit Receivables Trust 2005-3,  
Plaintiffs-Respondents,

-against-

M-1917  
Index No. 35912/14E

Caterina Borromeo and Rocco Borromeo,  
also known as Rocco A. Borromeo,  
Defendants-Appellants,

Palisades Collection LLC, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about June 16, 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 June 13, 2017.

Present:	Hon. Peter Tom,	Justice Presiding,
	Angela M. Mazzarelli	
	Sallie Manzanet-Daniels	
	Troy K. Webber,	Justices.

-----X

Alexander Gliklad,  
Plaintiff-Respondent,

-against-

Action No. 1

**M-2193**

Rina Chernaya, Diana Chernaya,  
and MC Holdings Corp.,  
Defendants-Appellants,

Index No. 653254/14

Mcanna L.P.,  
Defendant.

-----X

Alexander Gliklad,  
Plaintiff-Respondent,

Action No. 2

**M-2194**

-against-

Index No. 653281/14

Robert Kessler,  
Defendant-Appellant.

-----X

An appeal having been taken (Action No. 1) from an order of the Supreme Court, New York County, entered on or about July 11, 2016,

And, an appeal having been taken (Action No. 2) from an order of the same Court, entered on or about July 11, 2016,

And, the appellants in the two above-titled actions having moved by separate motions for enlargements of time to perfect their respective appeals (M-2193 and M-2194),

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

Ordered that the motions are granted and the time to perfect the respective appeals is enlarged to the October 2017 Term. The Clerk is directed to calendar both appeals to be heard together for the same date of said 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 June 13, 2017.

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

-----X

In the Matter of an Application of

Jacqueline Ploss, as widow and  
beneficiary of Brian Ploss, deceased,  
Petitioner-Appellant,

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

**M-2470**  
Index No. 101380/14

-against-

William J. Bratton, as Police Commissioner  
of the City of New York, and as Chairman  
of the Board of Trustees of the Police  
Pension Fund, Article II and The Board  
of Trustees of the Police Pension Fund,  
Article II,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about July 7, 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 June 13, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----x

In the Matter of the Arbitration  
Between:

MyPart Software Ltd.,  
Petitioner-Respondent,

M-2401  
Index No. 650316/17

-against-

Fluent Trade Technologies Ltd. S.A.R.L.,  
et al.,  
Respondents-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 18, 2017,

And respondents-appellants having moved for, inter alia, a staying execution and enforcement of the order and judgment pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated April 25, 2017, is vacated.

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 June 13, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
In the Matter of a Petition for  
Letters of Administration, c.t.a.,  
In the Estate of

Paula X. Assimakopoulos,  
Deceased. M-2215  
- - - - - Surrogate's Court  
Eva Lana, File No. 1154/12  
Petitioner-Appellant,  
  
-against-

Nicolle Assimakopoulos-Panuthos,  
Respondent-Respondent.  
-----x

An appeal having been taken from a decree of the Surrogate's Court, New York County, entered on or about September 25, 2013, and said appeal having been perfected,

And respondent-respondent having moved for an order enlarging the record on 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 granting respondent-respondent leave to file a supplemental record on appeal containing Exhibits A-B and D-G attached to the moving papers, as well as so much of Exhibit J as consists of the one-page notice of appearance filed October 1, 2012, and taking judicial notice of said documents. Respondent is directed to

file said supplemental record containing only the aforesaid documents on or before September 6, 2017, for the October 2017 Term. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2017.

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

-----x  
Ana Lopez, et al.,

Plaintiffs-Appellants,

-against-

M-2398  
Index No. 8706/07

New York Presbyterian Hospital, et al.,

Defendants-Respondents.  
-----x

Plaintiffs-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about April 6, 2017,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated April 24, 2017, is vacated.

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 June 13, 2017.

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

-----x

Joan Sheen Cunningham,  
Petitioner-Respondent,

-against-

M-2111  
Index No. 154933/16

Trustees of St. Patrick's Cathedral,  
and The Archdiocese of New York,  
Respondents-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 17, 2016, and said appeal having been perfected,

And petitioner-respondent having moved for an order striking portions of the record on appeal and respondents' appellate brief, directing respondents to file an amended record on appeal and appellate brief, adjourning the appeal, and enlarging the time for petitioner to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of striking pp. 221-240 of respondents-appellants' record, and respondents-appellants are directed to physically excise said pages from all copies of the record within 15 days from the date of entry hereof. The main brief filed by respondents-appellants is stricken, and respondents-appellants are directed to file a new brief with no references to the sur-reply dated October 27, 2016, or its exhibits. Respondents-appellants are directed to file their replacement main brief by August 7, 2017 for the October 2017 Term, to which Term the appeal is adjourned.

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 June 13, 2017.

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

-----X  
Catherine Mathews,  
Plaintiff-Respondent,

-against-

**M-2244**  
Index No. 800125/11

Stuyvesant Square Chemical Dependency  
Services and Beth Israel Medical  
Center,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 24, 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 June 13, 2017.

Present - Hon. Dianne T. Renwick,  
Rosalyn H. Richter  
Paul G. Feinman  
Judith J. Gische  
Marcy L. Kahn,

Justice Presiding,  
  
Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2356**

Ind. Nos. 3051/12  
1009/12

Johnny Rodriguez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 18, 2013, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before October 4, 2017 for the November 2017 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the state correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 June 13, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Paul G. Feinman  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Marion Scott Real Estate, Inc.,  
Plaintiff-Respondent,

-against-

M-2249  
Index No. 653953/14

Riverbay Corporation,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 27, 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, with leave to seek further enlargements if necessary.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X

In the Matter of Calvin Brooks,  
Plaintiff-Appellant,

-against-

M-2282

Index No. 100780/16

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

-----X

Plaintiff having moved for renewal of his motion for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about November 4, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief (see M-212 [March 16, 2017]),

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

It is ordered that the motion is 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 June 13, 2017.

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

-----X  
Wynne Forde and Theresa Forde,  
Plaintiffs-Respondents,

-against-

**M-1897X**  
Index No. 303653/11

48-52 Franklin, LLC and Marshall  
Weisman,  
Defendants-Appellants,

CM & Associates Construction  
Management, LLC, doing business  
as CMA Construction Management,  
et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 23, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 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 June 13, 2017.

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

Presiding Justice,

Justices.

-----X  
Wynne Forde and Theresa Forde,  
Plaintiffs-Respondents,

-against-

48-52 Franklin, LLC,  
Defendant,

CM & Associates Construction  
Management, LLC, doing business  
as CMA Construction Management,  
Defendant-Appellant,

Marshall Weisman, et al.,  
Defendants.  
-----X

**M-2292X**

Index No. 303653/11

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 23, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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 June 13, 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-2565  
Ind. No. 5570/12

Francisco German,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 7, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 12, 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 June 13, 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-2574  
Ind. No. 5003/15

Michael Ifabanwo,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 21, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 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 June 13, 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-

Christopher P.,  
Defendant-Appellant.

**CONFIDENTIAL**

M-2573  
Ind. No. 3391/13

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 4, 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 June 13, 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-2575  
Ind. No. 7/15

George Richardson,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 14, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 11, 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 June 13, 2017.

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

-----X  
Carmen Badillo,  
Plaintiff-Respondent,

-against-

M-2582X  
Index No. 306042/13

Belmont Arthur Avenue, LLC, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 31, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 11, 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 June 13, 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,  
ex rel. Lauren Gottesman, on behalf  
of Charles McNeil,  
Petitioner-Appellant,

**M-2309**

Index No. 451070/17

-against-

Joseph Ponte, Commissioner, New York  
City Department of Corrections, et al.,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 26, 2017, dismissing a writ of habeas corpus,

And, petitioner having moved to be released on his own recognizance, for an expeditious hearing of his appeal, for poor person relief and for the assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and a stipulation between the parties, dated May 9, 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 June 13, 2017.

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

-----X

Gladys Fernandez and Mauricio R.  
Fernandez,  
Plaintiffs-Respondents,

**M-2289**

Index No. 20060/06

-against-

The City of New York,  
Defendant,

New York City Department of  
Education, et al.,  
Defendants-Appellants.

-----X

(And a third-party action)

An appeal having been taken from an order of the Supreme  
Court, Bronx County, entered on or about July 7, 2016,

Now, after reading the correspondence submitted by counsel  
for defendants-appellants, dated April 24, 2017, and due  
deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is  
deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2017,

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

Presiding Justice,  
  
Justices.

-----X  
Michael Latuner,  
Plaintiff-Respondent,

-against-

Benchmark Builders, Inc., et al.,  
Defendants-Appellants.  
-----X

**M-2314X**  
Index No. 151845/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 18, 2016, Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 26, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 June 13, 2017.

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

-----X  
In the Matter of

Baby Girl A., also known as  
Baby Girl U.,

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

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

Ayesha A.,  
Respondent,

Reggie U.,  
Respondent-Appellant.

- - - - -  
Nicole Riordan, Esq.,  
Attorney for the Child.

-----X

**CONFIDENTIAL**

M-2645  
DC #47  
Docket No. NN-41365/14  
NN-50172-3/13

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 7, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
Justices.

-----X

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

-----  
Rachel Marie T.,  
Petitioner-Appellant,

-against-

Yosef Israel A.,  
Respondent-Respondent.

-----X

**CONFIDENTIAL**

M-2646

DC #48

Docket Nos. V-42354/11  
V-14254/12

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 18, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

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

-----X

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

- - - - -  
Coleen C. G.,  
Petitioner-Respondent,

-against-

Docket No. V-9688/13

Luis A. M.,  
Respondent-Appellant.

**CONFIDENTIAL**

M-2653

DC #55

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

- - - - -  
Luis A. M.,  
Petitioner-Appellant,

-against-

Docket No. V-17969/13

Coleen C. G.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about January 12, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is  
Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
  
  
Justices.

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

Melinda R.,  
Petitioner-Respondent,

-against-

Salvatore A.,  
Respondent-Appellant.  
-----X

**CONFIDENTIAL**

M-2664

DC #66

Docket Nos. V-34751/12  
V-49929/12

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 24, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

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

-----X

In the Matter of

Shina R.,

**CONFIDENTIAL**

M-2665

DC #67

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

Docket No. NN-33456/12

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

Petitioner-Respondent

Jeanette R.,

Respondent-Appellant.

- - - - -  
Kristin Kimmel, Esq.,

Lawyers for Children,  
Attorney for Shina R.

-----X

An appeal having been taken by appellant from the order of the Family Court, Bronx County, entered on or about April 10, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
Justices.

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

- - - - -

Jennifer S.,  
Petitioner-Appellant,

-against-

**CONFIDENTIAL**

M-2668

DC #70

Docket No. O-44883/14

Jurek W.,  
Respondent-Respondent.

- - - - -

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

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 16, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is  
Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
  
  
Justices.

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

- - - - -  
Commissioner of Social Services, on  
behalf of Marisa S.-H.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-2669

DC #71

Docket No. F-1220/09

-against-

Christopher H.,  
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about June 7, 2016,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
Justices.

-----X

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

- - - - -  
Rachel Marie T.,  
Petitioner-Appellant,

-against-

Yosef Israel A.,  
Respondent-Respondent.

-----X

**CONFIDENTIAL**

M-2671

DC #73

Docket Nos. V-14254/12  
V-42354/11

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 18, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
  
  
Justices.

-----X  
In the Matter of

Maiyah U.; Isis A.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; Ahzahriah U.  
and Baby Girl U.,

**CONFIDENTIAL**

M-2675

DC #77

Docket Nos.

NN-50171-74/13

NN-50222-23/13

NN-41365/14/14A

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

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

Reggie U.,  
Respondent-Respondent,

Ayesha A.,  
Respondent-Appellant.

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

Nicole Riordan, Esq.,  
Attorney for the Children.

-----X

An appeal having been taken from the orders of Fact-Finding and Disposition of the Family Court, New York County, entered on or about June 13, 2014, November 17, 2014 and June 12, 2015, respectively,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Dianne T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber,

Presiding Justice,  
  
Justices.

-----X  
In the Matter of

Sariyah U.; Asiarah U.;  
Ariayah U.; Ahriel U.;  
Angelicah U.; Ahzahriah U.,

**CONFIDENTIAL**

M-2676

DC #78

Docket Nos.

NN-50171-74/13

NN-50222-23/13

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

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

Reggie U.,  
Respondent-Appellant,

Ayesha A.,  
Respondent-Respondent.

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

Nicole Riordan, Esq.,  
Attorney for the Children.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about July 16, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 13, 2017.

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

-----X

In the Matter of

Ivahly M.,  
Victor P.,  
Avah G. P.,  
Aiden G. P.,  
and Royal P.,

**CONFIDENTIAL**

M-2178

Docket Nos. NN-35248/16  
NN-35249/16  
NN-35250/16  
NN-35251/16  
NN-35252/16

Children Under 18 Years of Age  
Alleged to be Neglected Under  
Article 10 of the Family Court  
Act.

- - - - -  
Commissioner of Social Services  
of the City of New York, et al.,  
Petitioners-Respondents,

Jennifer L.,  
Respondent-Appellant,

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from 4 orders of the Family Court, New York County, one entered on or about February 8, 2017, and three entered on or about March 13, 2017, and for assignment of counsel, a free copy of the transcript(s), 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, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
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 June 13, 2017.

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

-----X

In the Matter of

Danny C.,  
Deandre C.,  
and Shayla D.,

**CONFIDENTIAL**  
**M-2256**

Docket Nos. NN-47254/16  
NN-47255/16  
NN-47256/16

Children Under 18 Years of Age  
Alleged to be Neglected Under  
Article 10 Of the Family Court  
Act.

- - - - -  
Commissioner of Social Services  
of the City of New York,  
Petitioner-Respondent,

Luis D.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, entered on or about March 6, 2017 and April 5, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite #1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
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 June 13, 2017.

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

-----X

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

**CONFIDENTIAL**

**M-2179**

Matthew C.,  
Petitioner-Respondent,

Docket No. V-38188/16

-against-

Robin B.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about February 27, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with 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 June 13, 2017.

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

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

Respondent,

-against-

Michael Downey,

M-2613  
DC #15  
Ind. No. 4458/93

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about July 3, 2014,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the September 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Major James,

M-2618  
DC #20  
Ind. No. 4072/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about August 13, 2014,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the September 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Shawn Johnson,

M-2621  
DC #23  
Ind. No. 1905/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about April 8, 2013,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the September 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Alfred Lopez-Suazo,

M-2624  
DC #26  
Ind. No. 1306/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2014, and the judgment of **resentence** of said Court, rendered on or about April 18, 2014, respectively,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2017 Term and counsel is directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Charles Raspa,

M-2635  
DC #37  
Ind. No. 2394/09

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about May 2, 2012,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the September 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Keon D. Smith,

M-2641  
DC #43  
Ind. No. 3065/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about July 26, 2012,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the September 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Nicholas Simpson,

M-2640  
DC #42  
Ind. No. 948/05

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of **resentence** of Supreme Court, New York County, rendered on or about August 26, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2017 Term and counsel is directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Robert Adrian,

M-2599  
DC #1  
Ind. No. 2684/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 1, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2017 Term and counsel is directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Tajammal Sharief Brown,

M-2605  
DC #7  
Ind. No. 3350N/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about January 29, 2015,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the October 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

George Castro,

M-2608  
DC #10  
Ind. No. 2922/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about September 24, 2012,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the October 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Emmanuel Cherry,

M-2609  
DC #11  
Ind. No. 1205/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about May 21, 2013,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the October 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Leondriss Jeffreys,

M-2619  
DC #21  
Ind. No. 819/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County (Robert Stolz, J.), entered on or about October 9, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2017 Term and counsel is directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

James Montgomery,

M-2629  
DC #31  
Ind. No. 5363/09

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, New York County, rendered on  
or about September 23, 2010,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the October 2017 Term and counsel is  
directed to so perfect.

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 June 13, 2017.

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

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

Respondent,

-against-

Anthony Williams,

M-2643  
DC #45  
Ind. No. 337/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from  
the judgment of the Supreme Court, Bronx County, rendered on or  
about September 17, 2013,

And said appeal not having been brought on for hearing  
pursuant to the provisions of the Rules of Practice of the  
Appellate Division, First Department,

And a calendar call having been held by the Clerk of the  
Court on May 18, 2017, pursuant to Rule 600.12(c) of said Rules  
of Practice, and counsel for appellant having submitted an  
affirmation seeking an enlargement of time in which to perfect  
the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the  
appeal is enlarged to the October 2017 Term and counsel is  
directed to so perfect.

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 June 13, 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-2593  
Ind. No. 39/15

Santino Boderick, also known as  
Santino Bodrick,

Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on January 26, 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 18, 2017,

Now, upon reading and filing the 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 June 13, 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,

-against-

**M-627**

**M-524**

Ind. No. 4100/13

Francisco H. Florentino,

Defendant.

-----X

Defendant having moved for an order granting his application for a writ of error coram nobis on the grounds he was denied effective assistance by reason of trial counsel's failure to file a timely notice of appeal on defendant's behalf, pursuant to CPL 460.30, from a judgment of the Supreme Court, New York County, rendered on or about May 6, 2014, and for related relief (M-627),

And, defendant having moved for an extension of time to file an untimely notice of appeal from the aforesaid judgment of the Supreme Court, New York County, rendered on or about May 6, 2014 (M-524),

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

It is ordered that defendant's application and 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 June 13, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
John W. Sweeny, Jr.  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X

R.F. Schiffmann Associates, Inc.,  
et al.,

Plaintiffs-Appellants,

**M-1264**

**M-2075**

-against-

Index No. 650538/08

Baker & Daniels LLP, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 10, 2017 (Appeal Nos. 3072-3073) [M-1264],

And, defendants-respondents having cross-moved for sanctions, costs and attorneys fees [M-2075],

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

It is ordered that the motion and cross motion are denied in their entirety.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 13, 2017.

Present - Hon. Rolando T. Acosta,  
Rosalyn H. Richter  
Paul G. Feinman  
Troy K. Webber  
Marcy L. Kahn,

Presiding Justice,  
  
Justices.

-----x

Maxine Hamilton, et al.,

Plaintiffs-Appellants,

-against-

M-2322  
Index No. 651903/17

501 West 156<sup>th</sup> Street Housing Development  
Fund Corporation,

Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 25, 2017,

And plaintiffs-appellants having moved to stay any termination of the subject lease and any further prosecution of summary proceedings,

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 June 13, 2017.

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

-----x  
Wells Fargo Bank, N.A., as successor  
by merger to Wachovia Bank, N.A.,  
Plaintiff-Respondent,

-against-

M-2476  
Index No. 850089/11

Adrian George, et al.,  
Defendants,

-and-

Robert Rubin,  
Defendant-Appellant.

-----x  
Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 11, 2017 and May 3, 2017, respectively,

And defendant-appellant having moved for a stay of the appeal from the order entered on or about April 11, 2017, which appointed a receiver, pending appeal, and for other relief,

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

It is ordered that the motion is 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 June 13, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2109  
Ind. No. 4779/15

Rubicel Sanchez,  
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 October 26, 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 June 13, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against-

M-2053  
Ind. No. 1409/15

Rogelio Rodriguez,  
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, New York County, rendered on or about April 28, 2016, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, James Kirschner, Esq., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTERED:

  
CLERK

✓

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

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

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

M-1384  
Ind. No. 2262/11

-against-

CERTIFICATE  
GRANTING LEAVE

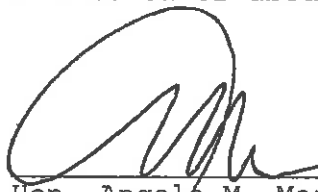
Darren Nemelc,  
Defendant-Appellant.

-----X  
I, Angela M. Mazzarelli, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that in the proceedings  
herein questions of law or fact are involved which ought to be  
reviewed by the Appellate Division, First Judicial Department, and,  
pursuant to Section 460.15 of the Criminal Procedure Law, permission  
is hereby granted to the above-named defendant to appeal to the  
Appellate Division, First Judicial Department, from the order of the  
Supreme Court, New York County, entered on or about February 14, 2017.<sup>1</sup>

Dated: May 25, 2017  
New York, New York

**ENTERED**

JUN 13 2017

  
Hon. Angela M. Mazzarelli  
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken,  
and this certificate must be filed with the notice of appeal. An  
appeal is taken by filing, in the Clerk's office of the criminal court  
in which the order sought to be appealed was rendered, a written

<sup>1</sup> In the event defendant has an existing (direct) appeal from a  
judgment, such appeal shall be consolidated with the appeal from the  
aforesaid order; and any poor person relief granted with respect to  
the appeal from the judgment shall be extended to cover the appeals so  
consolidated.

notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.