

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 15, 2017.

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

-----X
Jose Marin and Ada Marin,
Plaintiffs,

-against-

M-2060
Index No. 111531/07

Constitution Realty, LLC,
Koeppel Companies, LLC and General
Restoration Associates, LLC,
Defendants.

-----X
Sheryl Menkes, Esq.,
Non-Party Appellant,

-against-

David B. Golomb, Esq., and Barbara
Manheimer, Executrix of the Estate
of Jeffrey A. Manheimer,
Non-Party Respondents.

-----X

Plaintiffs (by Sheryl Menkes, Esq., plaintiffs' former counsel) having moved for a stay of the order of the Supreme Court, New York County, entered on or about April 11, 2017, pending 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 as moot.

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 15, 2017.

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

-----X

ULM 1 Holding Corp.,
Plaintiff-Respondent,

-against-

M-1898

M-1966

Index No.653650/13

Craig Antell,
Defendant-Appellant,

Caam, LLC,
Defendant,

Andrew Marcus,
Defendant-Appellant.

-----X

Appeals having been taken by defendant Craig Antell from an order of the Supreme Court, New York County, entered on or about June 10, 2016, and from a judgment of same Court, entered on or about November 4, 2016; and a separate appeal having been taken by defendant Andrew Marcus from an order of same Court, entered on or about June 10, 2016,

And, defendant Craig Antell having moved to consolidate his appeals taken from the order entered on or about June 10, 2016 and the judgment entered on or about November 4, 2016, and for an enlargement of time to perfect same (M-1898),

And, defendant Andrew Marcus having moved for an enlargement of time to perfect his appeal taken from the order entered on or about June 10, 2016 (M-1966),

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

Ordered that motion (M-1898) is granted to the extent of deeming defendant Craig Antell's appeal to be from the judgment entered on or about November 4, 2016, bringing up for review the order entered on or about June 10, 2016 (CPLR 5501(a)), and is otherwise denied as unnecessary (Rule 600.11(a)(3)).

Defendant

Andrew Marcus' motion (M-1966) is granted to the extent of enlarging the time to perfect his appeal taken from the order entered on or about June 10, 2016 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 15, 2017.

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

-----X

Ivalisse Bustamante, etc., et al.,

Plaintiffs-Appellants,

-against-

M-2443

Index No. 13908/99

Green Door Realty Corp., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 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 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 15, 2017.

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

-----X

147 First Realty LLC,

Plaintiff-Respondent,

-against-

M-2541

Index No. 157762/15

Chela Realty Corp.,

Defendant-Appellant.

-----X

Defendant-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 July 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 June 15, 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 the Arbitration Between
Mexvalo S. de R.L. de C.V.,

Petitioner-Respondent,

-against-

Desarrolladora Farallon S. de R.L. de C.V.,

Respondent-Appellant.
-----X

M-2376
Index No. 654716/16

Petitioner-respondent having moved for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 23, 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 to dismiss the appeal is granted unless the appeal is perfected for 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 June 15, 2017.

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

-----X

The Columbia Condominium, by its
Board of Managers,
Plaintiff-Respondent,

-against-

M-1546
Index No. 153517/13

Farrin Ullah, etc.,
Defendant-Appellant,

Nazlie Ullah, et al.,
Defendants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 27, 2017,

And defendant-appellant having moved for a stay or reversal of the aforesaid order, pending hearing and determination of the appeal, for civil poor person relief to prosecute said 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 15, 2017.

PRESENT: Hon. David Friedman,
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn,

Justice Presiding,

Justices.

-----X

Paul Hsu,
Plaintiff-Appellant,

-against-

M-1328
Index. No. 400136/14

Carolyn Shields, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 5, 2016, 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 June 15, 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-2698
Ind. No. 3905/14

Jacob Nolan,

Defendant-Appellant.

-----x

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 27, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated May 18, 2017, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 15, 2017.

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

-----X
Romik E.,

Plaintiff-Appellant,

-against-

M-2343
Index No. 312486/12

Bertha K.,

Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 27, 2016, for failure to timely perfect,

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

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

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 15, 2017.

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

Justice Presiding,

Justices.

-----X

172 Van Duzer Realty Corp.,
Plaintiff-Appellant,

-against-

M-1880

M-1849

Index No. 113137/09

Globe Alumni Student Assistance
Association, Inc., et al.,
Defendants-Respondents,

878 Education, LLC,
Non-Party 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 6, 2017,

And plaintiff-appellant having moved, pursuant to CPLR 5518, for a preliminary appellate injunction, enjoining non-party respondent 878 Education, LLC from transferring or otherwise disposing of certain monies believed to be in its possession in which defendant-respondent Globe Institute of Technology, Inc., is believed to have an interest, pending hearing and determination of the aforesaid appeal (M-1880),

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 (M-1880). Plaintiff's motion for a stay (M-1849) is withdrawn pursuant to a stipulation between the parties dated April 17, 2017.

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 15, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Rui Qin Chen Juan, et al.,

Plaintiffs-Appellants,

-against-

M-2240

Index No. 152958/16

213 West 28 LLC,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 18, 2017 (Appeal No. 3738),

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 15, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels, Justices.

-----X

In re Veronica Telemaque,
Petitioner-Appellant,

-against-

M-2212
Index No. 100128/15

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

-----X

Petitioner-appellant, pro se, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 15, 2017 (Appeal No. 3413N),

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 15, 2017.

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

-----X
Romik E.,

Plaintiff-Appellant,

-against-

M-2343
Index No. 312486/12

Bertha K.,

Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 27, 2016, for failure to timely perfect,

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

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

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 15, 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
ex rel. Calvin Brooks,
Petitioner-Appellant,

-against-

M-2649

DC #51

Warden, etc., et al.,
Respondents-Respondents.

Index No. 100459/15

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about April 13, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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 the Application of
Alieu Drammeh,
Petitioner,

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

-against-

M-2650
DC #52
Index No. 401437/13

City of New York Housing Preservation
and Development, Section 8,
Respondent.

-----X
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 20, 2015,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 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 the Application of
East 222nd Automotive Repairs, Inc.,
Petitioner,

For a Judgment Pursuant to Article 78	M-2651
of the Civil Practice Law and Rules,	DC #53
	Index No. 260389/14
-against-	

New York State Department of Motor
Vehicles, etc., et al.,
Respondents.

-----X
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about October 22, 2014,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 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 the Application of
Betty Floyd,
Petitioner-Appellant,

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

M-2652
DC #54
Index No. 401092/14

-against-

Glenn Gardens Associates, & HPD,
Respondents-Respondents.

-----X

An appeal having been taken by petitioner from the judgment of the Supreme Court, New York County, entered on or about January 6, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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
ex rel. Antonio D. Gomez,

Petitioner-Appellant,

-against-

Warren Duffy, Warden of Rikers Island,

Respondent-Respondent.

-----X

M-2654

DC #56

Index No. 100285/15

SCID No. 30036/15

An appeal having been taken by petitioner from the judgment of the Supreme Court, New York County, entered on or about March 17, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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 the Application of
Keith Harrison,
Petitioner,

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

-against-

M-2655
DC #57
Index No. 400557/14

Independence Care System and Office
of Administration Hearings,
Respondent.

-----X
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 29, 2014,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 2017.

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

-----X

Kapil Jain,
Petitioner-Appellant,

For an Order and Issuance of a
Writ of Prohibition Pursuant to
CPLR 7803(2),

-against-

M-2656

DC #58

Index No. 102221/15

Hon. Adetokunbo Fasanya, A Justice
of the Family Court, New York County,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 26, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 2017.

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

-----X
JDG Investigations, Inc.,

Plaintiff-Appellant,

-against-

City of New York, et al.,

M-2657
DC #59
Index No. 101037/14

Defendants-Respondents.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about June 1, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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 the Application of
James A. Kane and A & A Private
Investigations & Security, Ltd.,
Petitioners,

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

-against-

M-2659
DC #61
Index No. 101222/15

Industrial Board of Appeals and
New York State Commissioner of Labor,
Respondents.

-----X
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 8, 2015,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 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 the Application of

Leroy Kirkland,
Petitioner,

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

-against-

M-2660
DC #62
Index No. 100705/16

New York State Department of Motor
Vehicles,
Respondent.

-----X
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 23, 2016,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 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 the Application of
Yong Chao Liu,
Petitioner-Appellant,

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

M-2661
DC #63
Index No. 100700/14

-against-

Thomas Fariella, etc., et al.,
Respondents-Respondents.

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about September 5, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 2017.

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

-----X
Tyrone Marshall,

Plaintiff-Appellant,

-against-

Family Dollar,

Defendant-Respondent.
-----X

M-2662
DC #64
Index No. 250589/15

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about February 25, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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 the Application of
R.C.F.H.P., Inc.,
Petitioner,

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

-against-

M-2666
DC #68
Index No. 100092/15

The New York City Department of
Buildings (DOB), et al.,
Respondents.

-----X
An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 16, 2015,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 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 the Application of
Joseph Sanchez,
Petitioner-Appellant,

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

M-2670
DC #72
Index No. 401782/12

-against-

New York City Police Department,
Respondent-Respondent.

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about October 4, 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 there being no response by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 2017.

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

-----X
Henry Tinoco,

Plaintiff-Appellant,

-against-

New York City Department of
Finance,

M-2672
DC #74
Index No. 100220/14

Defendant-Respondent.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about June 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 2017.

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

-----X
Henry Tinoco,

Plaintiff-Appellant,

-against-

New York City Department of
Sanitation,

M-2673
DC #75
Index No. 100219/14

Defendant-Respondent.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about July 28, 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 2017.

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

-----X
Henry Tinoco,

Plaintiff-Appellant,

-against-

New York City Department of
Sanitation,

M-2674
DC #76
Index No. 100218/14

Defendant-Respondent.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about June 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 by counsel and/or appellant,

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

Ordered that the motion is granted and the 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 15, 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 the Application of
Shannon Williams,
Petitioner,

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

-against-

M-2677
DC #79
Index No. 101471/13

New York State Unified Court System,
Office of Court Administration,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 9, 2014,

And said proceeding 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 by counsel and/or petitioner,

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

Ordered that the aforesaid proceeding 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 15, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In the Matter of

Rachel D.,
and Genesis D.,

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

CONFIDENTIAL

M-1904

M-2130

- - - - -

Docket Nos. NA-4215/11

Administration for Children's
Services,

NA-4216/11

Petitioner-Appellant,

Rachel D. and Genesis D.,
Petitioners-Appellants,

Sandy D.,
Respondent-Respondent,

Luis N.,
Respondent-Respondent.

- - - - -

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

-----X

An appeal having been taken by petitioners-appellants children, Rachel D. and Genesis D., from an order of the Family Court, Bronx County, entered on or about July 15, 2016,

And, an appeal having been taken by petitioner-appellant, Administration for Children's Services, from the aforesaid order,

And, petitioner-appellant children having moved for an enlargement of time to perfect their appeal and for consolidation of their appeal with the appeal taken by petitioner-appellant Administration for Children's Services, and placing said appeals on the same day calendar (M-1904),

And, petitioner-appellant Agency having cross-moved for an enlargement of time to perfect its appeal (M-2130),

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 granted to the extent of enlarging the time to perfect the appeals to the October 2017 Term and directing appellants to perfect their respective appeals on or before August 7, 2017 for said October 2017 Term, and it is further directed that both appeals, if so perfected, be placed on the same day calendar for said October 2017 Term. Sua sponte, the stay granted by this Court, dated October 4, 2016, is extended on condition that the appeals are perfected for said October 2017 Term; and the order of this Court, entered on November 10, 2016 (M-4241), is hereby amended to provide that petitioner-appellant, Administration for Children's Services, appears as petitioner-appellant and that Randall Carmel, Esq., is assigned to respond to both appeals on behalf of respondent-respondent Sandy D.

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 15, 2017.

Present: Hon. Rolando T. Acosta,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Ellen Gesmer,

Presiding Justice,

Justices.

-----X

In the Matter of the Adoption of
a Child Whose First Name is

Eliyahu,

- - - - -
Nekadam Y.,
Petitioner-Appellant,

-against-

David B. and Jennifer B.,
Respondents-Respondents.

- - - - -
Anne Reiniger, Esq.,
Attorney for the Child.

-----X

CONFIDENTIAL

Surrogate's Court

M-2284

File No. 2010-0178

Petitioner-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal taken from the order of the Surrogate's Court, New York County, entered on or about November 29, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 15, 2017.

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

-----X
Jamie Ng, as Administrator de
bonis non of the Estate of Yuk
Mui Ng, Deceased,
Plaintiff-Respondent,

-against-

M-2316
Index No. 109403/10

NYU Langone Medical Center,
June Hyung Rim, M.D., Devon G.
John, M.D. and NYU Transplant
Associates,
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 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 June 15, 2017.

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

-----X
Thomas Genova, Esq., Trustee of
Bankruptcy Estate of Thomas
Slockbower,
Plaintiff-Appellant,

M-2354
Index No. 301797/12

-against-

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 8, 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 15, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

CONFIDENTIAL

M-1477

-against-

M-1476

Ilius Ballenilla,

Bronx County
Ind. No. 450/10
New York County
Ind. No. 3340/10

Defendant-Appellant.

-----X

Appeals having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 30, 2013, and from a SORA order of the same Court, also entered on or about October 30, 2013,

And, defendant having moved for an enlargement of time to perfect the SORA appeal (M-1477),

And, defendant having moved to enlarge the record on the SORA appeal to include the transcript of defendant's July 27, 2013 guilty plea; the complainant's grand jury testimony; the indictment in People v Ballenilla under New York Co. Ind. No. 3340/10, and the August 2011 trial transcript under New York Co. Ind. No. 3340/10 (M-1476),

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

Ordered that motion (M-1477) is granted to the extent of enlarging defendant's time to perfect the SORA appeal to the November 2017 Term. Motion (M-1476) is granted to the extent of enlarging the record on appeal to include the Bronx County Grand Jury minutes and minutes of defendant's plea allocution under Bronx County Ind. No. 450/10, and the trial transcripts from defendant's New York County prosecution under New York Co. Ind. No. 3340/10. That portion of the motion (M-1476) seeking to include in the record on appeal the indictment from defendant's New York County prosecution under New York Co. Ind. No. 3340/10 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 15, 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-1491
Ind. No. 4288/92

Herman Spencer, also known as Herman
Powell,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 9, 1996 (Appeal Nos. 57467/57467A), unanimously affirming a judgment of the Supreme Court, New York County (Harold Rothwax, J.), rendered on January 5, 1994,

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 June 15, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2349
Ind. No. 1311/11

Enemud Chukwudkie,
Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order relieving it as counsel to defendant or in the alternative, dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2011, as abandoned, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is 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 June 15, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2123
Ind. No. 394/15

Bernardo Rodriguez,
Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2015, 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 June 15, 2017.

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

-----X

Jorge Escalante,
Plaintiff,

-against-

112-1400 Trade Properties, LLC, et al.,
Defendants-Respondents.

-----X

112-1400 Trade Properties LLC,
and Cohen Brothers Realty Corporation,
Third-Party Plaintiffs-Respondents,

-against-

Whitestar Consulting & Contracting,
Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 14, 2015,

And, defendants/third-party plaintiffs-respondents having moved to dismiss the aforesaid appeal (M-1936),

And, defendant/third-party defendant-appellant having cross-moved to deem the appeal withdrawn in accordance with the notice filed with the Bronx County Clerk on or about April 7, 2017 (M-1935),

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

M-1936

M-1935

Index No. 306311/10

Third-Party
Index No. 84134/12

Ordered that motion (M-1936) is denied as academic.
The cross motion (M-1935) is granted and the appeal 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 15, 2017.

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

-----x
Michael J. Devereaux & Associates, P.C.,

Plaintiff-Respondent-Appellant,

-against-

M-1331
Index No. 150497/14

John Tufo, et al.,

Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 16, 2016,

And defendant-appellant-respondent John Russell having moved for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal 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 June 15, 2017.

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

-----X

Arthur at the Westchester, Inc., doing
business as Arthur and Evgeny Freidman,
Plaintiffs-Appellants,

-against-

M-1987
Index No. 600293/10

Westchester Mall, LLC,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 4, 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 and the 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 15, 2017.

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

-----X
JP Morgan Chase Bank, National Association,
Plaintiff-Respondent,

-against-

M-1968
Index No. 3806830/13

Bridgid A. Oku, etc.,
Defendant-Appellant,

City of New York, etc., et al.,
Defendants.
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 23, 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 and the 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 15, 2017.

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

Justice Presiding,

Justices.

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

- - - - -
Marcia M.,
Petitioner-Appellant,

CONFIDENTIAL
M-1984
Docket No. V-4456/17

-against-
Isa C.,
Respondent-Respondent.

- - - - -
Seymour W. James, Jr., Esq.,
Legal Aid Society,
Juvenile Rights Division.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 6, 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 denied, with leave to renew upon submission of petitioner's 2015 and 2016 tax returns and an affidavit in compliance with CPLR 1101 indicating in detail petitioner's monthly expenses and income.

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 15, 2017.

Present - Hon. David Friedman,
Paul G. Feinman
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern,

Justice Presiding,

Justices.

-----X
In the Matter of the Application of
Marian McPherson, et al.,
Petitioners-Appellants,

-against-

M-2894
Index No. 91819/16

For an Emergency appointment of a
Guardian of the Person and Property
of

Leonie L.,

An Alleged Incapacitated Person.
-----X

Petitioners having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about May 12, 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