

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 27, 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/Visitation Under Article 6
of the Family Court Act.

CONFIDENTIAL

M-2697

Docket Nos. V-25668-05/15C
V-09259-14/16D

Nadine T.,
Petitioner-Respondent,

-against-

Lastenia T.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about April 14, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite # 201, Jamaica, NY 11432, Telephone No. (917) 674-9516, 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 therefor¹ **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

¹Service 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 27, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X

Vanessa Dennis,
Plaintiff-Respondent,

-against-

Marie Napoli, et al.,
Defendants,

Paul J. Napoli,
Defendant-Appellant

M-2260

M-2161

Vanessa Dennis,
Plaintiff-Respondent,

Index No. 153857/14

-against-

Marie Napoli, etc.,
Defendant-Appellant,

Paul J. Napoli, et al.,
Defendants.

-----X

Defendants-appellants Paul J. Napoli and Marie Napoli having moved separately for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 7, 2017 (Appeal Nos. 3340-3341N) [M-2260/M-2161],

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 denied [M-2260/M-2161].

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 27, 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

Damani C.,

CONFIDENTIAL

M-1295

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

Docket Nos. B-2454/12
B-26336/11

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

Kevin C.,
Respondent-Appellant.

- - - - -
Tennille M. Tatum-Evans, Esq.,
Attorney for the Child.

-----X
Beatrice Mayol, Esq., court attorney for subject child, Damani C., having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about April 1, 2016, 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, as academic.
(See M-1068A and M-1297, decided simultaneously herewith.)

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 27, 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

Ziah C.,

CONFIDENTIAL

M-1297

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

Docket Nos. B-2451/12
B-26336/11

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

Kevin C.,
Respondent-Appellant.

Helene Bernstein, Esq.,
Attorney for the Child,
Ziah C.

-----X

Rina Mais, Esq., court attorney for subject child, Ziah C., having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about April 1, 2016, 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, as academic.
(See M-1068A and M-1295, decided simultaneously herewith).

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 27, 2017.

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

-----X

Sarah Weinberg,
Plaintiff-Appellant,

-against-

M-1783
Index No. 150869/17

Davod Kaminsky, et al.,
Defendants,

Linda Salamon, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 22, 2017,

And plaintiff having moved for a preliminary injunction staying, inter alia, the eviction of plaintiff and her daughter, pending determination of the aforesaid 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 and the interim relief granted by an order of a Justice of this Court, dated February 27, 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 27, 2017.

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

-----X

Efrain Matos,
Plaintiff-Respondent,

-against-

M-1668
M-3048
Index No. 309441/09

The City of New York,
Defendant-Appellant.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about June 9, 2016 and January 19, 2017, and said appeals having been perfected,

And, defendant-appellant having moved, pursuant to CPLR 5519(a)(1), for a declaration that an automatic stay exists or, in the alternative, for a discretionary stay pursuant to CPLR 5519(c) pending hearing and determination of the aforesaid appeal (M-1668),

And, plaintiff-respondent having cross-moved to vacate an interim stay granted by an order of a Justice of this Court, dated March 17, 2017, and for other relief (M-3048),

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 is granted to the extent of granting a discretionary stay of the orders appealed pending hearing and determination of said appeals. Plaintiff's cross 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 27, 2017.

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

-----X

UBS Securities LLC, and UBS AG,
London Branch,
Plaintiffs-Respondents-Appellants,

-against-

CONFIDENTIAL

M-3046

Index No. 650097/09

Highland Capital Management, L.P.,
et al.,
Defendants-Appellants-Respondents

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 13, 2017,

And, defendants-appellants-respondents having moved for a stay of trial pending hearing and determination of the appeal and cross 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 on condition that defendants perfect their direct appeal on or before August 7, 2017 for the October 2017 Term, even if this Court for its own scheduling purposes adjourns the appeal to a later term, with no enlargements of time to perfect to be granted.

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 27, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
In the Matter of the Commitment of

Ziah Xzavion C., also known as
Ziah C., also known as Ziah McC.,
also known as Zian MCC.,

CONFIDENTIAL

M-1068A

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

Docket No. B-2451/12

- - - - -
SCO Family of Services and Commissioner
of the Administration for Children's
Services of the City of New York,
Petitioners-Respondents,

Kevin Ebedmelech C., also known as
Kevin E. C., also known as Kevin C.,
also known as Kevin Ebedmelech C.,
Sr., also known as Kevin E. C., Sr.,
also known as Kevin C., Sr.,
Respondent-Appellant,

Laurel Shavonne McC., also known as
Laurel S. McC., also known as Laurel
McC.,
Respondent.

- - - - -
Rina Mais, Esq.,
Attorney for the Child, Ziah, etc.

-----X
In the Matter of the Commitment of

Damani Makai Naseyre C., also
known as Damani C., also known as
Damani MCC., also known as Damani
McC.,

Docket No. B-2454/12

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

- - - - -
SCO Family of Services and Commissioner
of the Administration for Children's
Services of the City of New York,
Petitioners-Respondents,

Kevin Ebedmelech C., also known as
Kevin E. C., also known as Kevin C.,
also known as Kevin Ebedmelech C.,
Sr., also known as Kevin E. C., Sr.,
also known as Kevin C., Sr.,
Respondent-Appellant,

Laurel Shavonne McC., also known as
Laurel S. McC., also known as Laurel
McC.,
Respondent.

- - - - -
Beatrice Mayol, Esq.,
Attorney for the Child, Damani.

-----X

Petitioner SCO Family Services, having moved for dismissal
of the appeal taken from an order of the Family Court, Bronx
County, entered on or about April 1, 2016, under Docket Nos. B-
2451/12 and B-2454/12,

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 under Docket Nos. B-2451/12 and B-2454/12 (see, M-1295
and M-1297, decided simultaneously herewith). The order of this
Court entered on May 16, 2017 (M-1068) is hereby recalled and
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 27, 2017.

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

-----X
Eric Sorenson,

Plaintiff-Appellant,

-against-

Winston & Strawn, LLP.,

Defendant-Respondent.

M-2359
M-2481
Index No. 158124/15

-----X

Plaintiff-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 10, 2016 (M-2359),

And, defendant-respondent having cross-moved to dismiss the aforesaid appeal (M-2481),

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 for an enlargement of time to perfect the appeal is granted to the extent of enlarging the time to perfect same to the October 2017 Term (M-2359). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said October 2017 Term (M-2481).

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 27, 2017.

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

-----X
Bradd Gold and Patricia Khouri,

Plaintiffs-Respondents,

-against- M-2822X
Index No. 309528/10
Samuel Mandel and Lois Mandel,

Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 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 27, 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-2723
Ind. No. 4298/15

Wayne White,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 9, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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-2724
Ind. No. 4508/15

Mitchell Price,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated February 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 27, 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-2877

Ind. No. 5468/15

Glenn Johnson,

Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 18, 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 27, 2017.

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

-----X
Robert M. Rubin,
Plaintiff-Appellant-Respondent,

-against-

M-2789X
Index No. 651825/15

EFP Rotenberg, LLP,
Defendant-Respondent-Appellant.
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 2017.

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

-----X
George Wolecki,
Plaintiff-Appellant,

-against-

M-2792X
Index No. 156750/13

Battery Wave LLC, doing business
as Battery Gardens,
Defendant-Respondent.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 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 27, 2017.

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

-----X
Bank of America, N.A..
Plaintiff-Respondent,

-against-

M-2823X
Index No. 158349/14

Jones Lang LaSalle Americas, Inc.,
Defendant-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 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 27, 2017.

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

-----X
Bonnie Bibula,
Plaintiff-Respondent,

-against-

32-42 Broadway Owner, LLC,
Cammeby's Management Company, LLC,
and First Rate Maintenance, LLC,
Defendants-Appellants.

M-2684
Index No. 157115/14

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 10, 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 27, 2017.

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

-----X
Efrain Saetama,
Plaintiff-Respondent,

-against-

Atlantic Development Group, LLC,
Knickerbocker Construction LLC,
Knickerbocker Construction II LLC,
Boricua Village Associates, LP and
the Doe Fund, Inc.,
Defendants-Appellants.

M-2851
Index No. 305674/09

- - - - -
Atlantic Development Group, LLC,
Knickerbocker Construction LLC,
Knickerbocker Construction II LLC,
Boricua Village Associates, LP and
the Doe Fund, Inc.,
Third-Party Plaintiffs,

-against-

Walison Corp.,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 13, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 19, 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 27, 2017.

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

-----X
Brody Solomon, an infant by his father
and natural guardian Zach Solomon,
and Zach Solomon, individually,
Plaintiffs-Respondents,

-against-

Barnes & Noble, Inc., M-2881
Defendant-Appellant-Respondent, Index No. 154218/13

-and-

Otis Elevator Company,
Defendant-Respondent-Appellant.
-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 6, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 22, 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 27, 2017.

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

-----X
J.P. Morgan Mortgage Acquisition
Corp.,
Plaintiff-Respondent,

-against-

Hirshfeld & Hirshfeld,
Defendant-Appellant,

M-2882
Index No. 651096/14

EPIX Funding, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 26, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 9, 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 27, 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 Family Offense
Proceeding Under Article 8 of the
Family Court Act.
- - - - -

Martin A.,
Petitioner-Appellant,

CONFIDENTIAL
M-2330
Docket No. O-37230/16

-against-

George Miguel A.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about July 12, 2016,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Kenneth M. Tuccillo, Esq., of counsel to petitioner-appellant, dated May 25, 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 27, 2017.

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

-----X

Felix Rozon,
Plaintiff-Respondent,

-against-

M-2412
Index No. 302591/15

Jofaz Transportation, Inc.,
John Doe,
Defendants-Appellants,

-against-

Siradji M. Seini, et al.,
Defendants-Respondents.

-----X

Defendant-respondent, Siradji M. Seini, having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 12, 2015,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Nancy S. Goodman, Esq., of counsel to defendant-respondent Seini, dated May 16, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 27, 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

Jamel S.,

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

Administration for Children's Services,
Petitioner-Respondent,

Crystal G.,
Respondent-Appellant.

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

CONFIDENTIAL

M-2772
Docket No.
NN-36405/14

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

Now, upon reading and filing the papers herein, including the stipulation of the parties dated May 22, 2017, and due deliberation having been had thereon, it is

Ordered that 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 27, 2017.

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

-----X
Three Amigos SJL Restaurant, Inc.,
Plaintiff-Appellant,

-against-

M-2564
Index No. 162228/14

Alphonse Hotel Corp., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of this Court, entered on May 2, 2017,

And, plaintiff-appellant having moved for an order granting reargument of the aforesaid order, or in the alternative, for clarification of said order, and for other relief,

Now, upon reading the stipulation of the parties, so ordered May 16, 2017, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 27, 2017.

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

-----X

Galopy Corporation International,
N.V.,

Plaintiff-Respondent-Appellant,

CONFIDENTIAL

M-2329

-against-

Index No. 151766/15

Deutsche Bank, A.G.,
Defendant-Appellant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2016, and said appeal having been perfected and heard,

And plaintiff-respondent-appellant having moved to supplement the record on appeal,

Now, upon reading the correspondence from Jeffrey M. Eilender, Esq., counsel for the movant, conceding that our determination of the appeal moots this motion, and seeking to withdraw it as such, dated May 23, 2017, and due deliberation having been had thereon,

It is ordered that the motion 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 27, 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
Rusi Holding Corp.,

Petitioner,

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

M-2393
Index No. 104/17

-against-

Norma Ruiz, Justice of the Supreme
Court, Bronx County,

Respondent.

-----X

Petitioner having moved for reargument of an order of the Supreme Court, New York County, entered on or about June 9, 2015,

Now, upon reading and filing notice of discontinuance submitted by counsel for petitioner, dated May 24, 2017, and due deliberation having been had thereon,

It is ordered that the motion and proceeding are 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 27, 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

Jaiden M.,
also known as
Jaiden G.,
Luna R.,
and Zoe R.,

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

CONFIDENTIAL

M-2331

Docket Nos. NN-44198-9/16
NN-44200/16

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

Jeffrey R.,
Respondent-Appellant.
- - - - -

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

Respondent-appellant father (biological father of Luna and Zoe; and person legally responsible for Jaiden) 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 February 2, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-6800, 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(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **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

1

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 27, 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

Mylah C.,

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

CONFIDENTIAL

M-2332

Docket Nos. NN-48284-16

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

Chantal C., also known as
Chantel C.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 4, 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, Larry S. Bachner, Esq., 39 Broadway, Suite #1610, New York, NY 10601, Telephone No.

(917) 674-9516, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellants to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) 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

1

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 27, 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/Visitation Under Article 6
of the Family Court Act.

CONFIDENTIAL

- - - - -
Deserie D. G.,
Petitioner-Respondent,

M-2335
Docket Nos. V-09236-15
V-22474-15
V-31155-13-15D

-against-

Jonathan C.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, Bronx County, both entered on or about March 31, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (917) 674-9516, 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 therefor¹

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

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

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 27, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -

Lakisha C.,
Petitioner-Appellant,

-against-

Abraham N.,
Respondent-Respondent.

- - - - -

Elizabeth Wilder, Esq.,
Children's Law Center,
Attorney for the Children.

-----X

CONFIDENTIAL

M-2336

Docket Nos. V-4558-13/16H
V-4559-13/16H

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 28, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11719, Telephone No. (516) 921-6800, 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 therefor¹ **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

¹Service 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 27, 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

Thamel J.,

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

CONFIDENTIAL

M-2390

Docket Nos. NN-44576-15

- - - - -
New York City Administration
for Children's Services,
Petitioner-Respondent,

Deryck T. J.,
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 an order of the Family Court, New York County, entered on or about March 9, 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

June 27, 2017

of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10601, Telephone No. (212) 233-0318, 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 therefor¹ **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) appellants are 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

1

Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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

BEFORE: Presiding Justice Rolando T. Acosta

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

M - 2143
Ind. No. 3948/14

-against-

CERTIFICATE
DENYING LEAVE

Josue Alicea

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from orders of the Supreme Court, New York County, entered on or about September 14, 2016



Hon. Rolando T. Acosta

Dated: June 2, 2017
New York, New York

ENTERED: **JUN 27 2017**

✓

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-1833
Ind. No. 4281/11

-against-

Larry McLean,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 28, 2017 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: May 31, 2017
New York, New York

ENTERED

JUN 27 2017

✓

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-1302
Ind. No. 10878/91

-against-


CERTIFICATE
DENYING LEAVE

Carl Wells,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Sections 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, (Ronald A. Zweibel, J.) entered on or about February 14, 2017, is hereby denied.



Hon. Rosalyn H. Richter

Dated: June 2, 2017
New York, New York

ENTERED: JUN 27 2017

✓

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

M-2144
Ind. No. 4265/04

-against-

CERTIFICATE
DENYING LEAVE

Isaac Eubanks,
Defendant,
-----X

I, Troy K. Webber, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court,
New York County (Edward J. McLaughlin, J.), entered on or about
July 20, 2016 is hereby denied.

Dated: June 5, 2017
New York, New York



Hon. Troy K. Webber
Associate Justice

ENTERED: JUN 27 2017

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

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-2368
Indictment No.
4157/99


-against-

CERTIFICATE
DENYING LEAVE

Christian Urena,
Defendant.

-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Hon. Martin Marcus), entered on or about April 3, 2017, is hereby denied.


Associate Justice

Dated: June 5, 2017
New York, New York

ENTERED: JUN 27 2017

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

JUN 05 2017

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-1895
Indictment No.
474/03

-against-

CERTIFICATE
DENYING LEAVE

Tyrone Jackson,
Defendant.

-----X
I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Hon. Arlene D. Goldberg), entered on or about December 23, 2016, is hereby denied.



Associate Justice

HON. MARCY KAHN

Dated: June 5, 2017
New York, New York

ENTERED: JUN 27 2017