

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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

M-4040  
Ind. No. 5738/13

John Doherty,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 21, 2016 (M-5793), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 4, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 2, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

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

M-4232

- - - - -

Index No. 113868/09

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

-against-

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

-----x

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

And defendants/third-party plaintiffs-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting the two moving appellants leave to prosecute the consolidated appeals upon 9 copies of one record and one set of points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the February 2018 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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

Adriano Smajlaj,  
Defendant-Appellant.

M-4298  
Ind. No. 3996/12

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

-against-

Arjan Smajlaj,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court from judgments of the Supreme Court, New York County, both rendered on or about January 17, 2017,

And defendants-appellants having jointly moved for consolidation of the aforesaid appeals, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of points covering the consolidated appeals, and in accordance with the stipulation of the parties dated August 10, 2017. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the

consolidated appeals is enlarged to the February 2018 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 November 2, 2017.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Alexander Gliklad,  
Plaintiff-Respondent,

-against-

Action No. 1  
M-4102

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

Index No. 653254/14

Mcanna L.P.,  
Defendant.

-----X  
Alexander Gliklad,  
Plaintiff-Respondent,

-against-

Action No. 2  
M-4111

Robert Kessler,  
Defendant-Appellant.

Index No. 653281/14

-----X

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

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

And, the appellants in the two above-titled actions having moved, by separate motions, for enlargements of time to perfect their respective appeals (M-4102 and M-4111),

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

Ordered that the motions are granted and the time to perfect the respective appeals is enlarged to the February 2018 Term. The Clerk is directed to calendar both appeals to be heard together for the same date of said February 2018 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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.  
Anil C. Singh,

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

-against-

M-4128  
Ind. No. 3874/14

Benjamin Yu,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2016,

And counsel for defendant-appellant having moved for an order continuing the stay of execution of sentence and bail, granted by orders of a Justice of this Court entered on July 1, 2016 (M-3270) and December 22, 2016 (M-6555), pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 Term, and continuing the relief granted by the aforesaid orders of a Justice of this Court, on the same terms and conditions set forth, and on the further condition the appeal is perfected for said February 2018 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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

Justin Kuchma,  
Defendant-Appellant.

M-4154  
Ind. Nos. 4410/15  
91/16

-----X

An order of this Court having been entered on April 11, 2017 (M-1164), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 11, 2016, under Indictment No. 4410/15, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 91/16, or 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 said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No. 91/16, and extending the poor person relief previously granted to cover same.

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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x

Lanzuter Benevolent Association.  
Plaintiff-Appellant,

-against-

M-4053  
Index No. 161809/15

Cassandra Altman, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 23, 2016 and April 21, 2017,

And plaintiff-appellant having moved for a stay of the orders pending hearing and determination of the aforesaid appeals,

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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

Respondent,

-against-

M-3504  
Ind. No. 4266/08

Silvino Martinez,

Defendant-Appellant.  
-----x

Defendant having moved for an extension of time to file a late motion for a certificate granting leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about April 26, 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 granted to the extent of deeming the motion for a certificate timely filed. (See M-4000, 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 November 2, 2017.

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

-----X  
Endurance American Specialty  
Insurance Company,  
Plaintiff-Appellant,

-against-

M-5006  
Index No. 156236/14

Geiger Construction Co., Inc. and  
35 W. 54 Realty Corp.,  
Defendants-Respondents,

Perimeter Bridge & Scaffold Co.,  
Inc., et al.,  
Defendants.

-----X  
Geiger Construction Co., Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Scottsdale Insurance Company,  
Third-Party Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated September 5, 2017, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, 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 November 2, 2017.

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

-----X  
15 West 17th Street LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-5209  
Index No. 650645/12

White Knight NYC Venture, LLC,  
et al.,  
Defendants-Respondents.

- - - - -

JJK 13<sup>th</sup> Street, LLC, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Isaac Mishan,  
Third-Party Defendant-Appellant,

Ultimate Network, LLC, et al.,  
Third-Party Defendants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 4, 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 November 2, 2017.

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

-----X  
Ed Chen,  
Plaintiff-Appellant,

-against-

M-5210  
Index No. 150789/16

Trustees of Columbia University  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated September 29, 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 November 2, 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-4123  
Docket No. 2017NY025501

Benjamin Hernandez,

Defendant-Appellant.  
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Criminal Court, New York County, rendered on or about June 26, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Neighborhood Defender Service of Harlem received September 1, 2017, counsel for defendant-appellant, 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 November 2, 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,

**CONFIDENTIAL**

M-4184

-against-

Ind. No. 99073/16

Stephen Wanko,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Raymond Bruce, J.), entered on or about April 28, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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



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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 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-2891A  
Ind. No. 9256/98

Norcott Corby,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on October 1, 2015 (M-2981), granting defendant leave to appeal to this Court pursuant to CPL 460.15 from the order of the Supreme Court, New York County, entered on or about April 28, 2015,

And defendant-appellant having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned

as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 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.

-----  
Rachel M., M-3938  
Petitioner-Appellant, Docket Nos. V-17925-13/16B  
V-17925-13/16C  
-against-

Arkhmaeed T.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 5, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant

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

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.** (See M-4066, 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 November 2, 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.

-----  
Rachel M.,  
Petitioner-Appellant,

M-4066  
Docket Nos. V-17925-13/16B  
V-17925-13/16C

-against-

Arkhmaeed T.,  
Respondent-Respondent.

-----  
Helene Bernstein, Esq.,  
Attorney for the Child  
Anayjiah T.

-----X  
Tara Diamond, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 5, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Helene Bernstein, Esq., 44 Court Street, Suite #905, Brooklyn, NY 11201, Telephone No. 718-875-8705, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy

of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-3938, 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 November 2, 2017.

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

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

-against-

M-4739  
Ind. No. 5419/09

Robert Hall,

Defendant.

-----X

Defendant having moved for an order granting his application for coram nobis relief on the grounds he was allegedly denied effective assistance of trial counsel by reason of trial counsel's failure to file a timely notice of appeal on defendant's behalf, pursuant to CPL 460.30, from the judgment of the Supreme Court, New York County, rendered on or about July 16, 2012, and for leave to prosecute said appeal as a poor person,

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 November 2, 2017.

Present - Hon. Rolando Acosta, Presiding Justice,  
David Friedman  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

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

-against-

Janice Bar,

Defendant-Appellant.  
-----X

M-4924  
Ind. Nos. 3872/14  
1435/15

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 29, 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 April 2018 Term; the bail previously granted by a Justice of this Court, by amended order entered July 21, 2016, is continued under the same terms and conditions, and on the further condition that the appeal is perfected for said April 2018 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 November 2, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Rosalyn H. Richter  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X  
Delight Bvunzawabaya,

Plaintiff-Appellant,

-against-

M-3822  
Index No. 400434/14

JP Morgan Chase & Co., et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant 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 June 15, 2017 (Appeal No. 4300), 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 November 2, 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-4752  
Ind. No. 2815/04

Todd Branham,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 19, 2009 (Appeal No. 5286), unanimously affirming a judgment of the Supreme Court, Bronx County (David Stadtmauer, J.), rendered on June 8, 2006,

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 November 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X

Board of Managers of the Parkchester  
North Condominium, on behalf of the  
Unit Owners of the Parkchester North  
Condominium,

Plaintiff-Respondent,

M-5084  
Index No. 260830/15

-against-

Jeanette Mercado Betancourt,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from a judgment of foreclosure of the Supreme Court, Bronx County, entered on or about July 18, 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 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 November 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X

Law Office of Ricardo E. Oquendo, Esq.,  
Plaintiff-Respondent,

-against-

M-4709  
Index No. 302366/15

856 River Ave. Rest. Corp., etc.,  
et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent, pro se, having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 12, 2016, and said appeal having been perfected,

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 perfected 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 November 2, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
The People of the State of New York  
ex rel. Ebette Fortune, Esq., on behalf  
of Tana Irvin,  
Petitioner-Appellant,

-against-

M-5078  
Index No. 30168/17

Joseph Ponte, Commissioner, New York  
City Department of Correction,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 11, 2017,

And petitioner-appellant having moved for modification of bail to release petitioner-appellant on her own recognizance, or for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 2, 2017, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn, and 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 November 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

M-5041  
Ind. No. 1540/12

Robert H. Van Zandt,  
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2015, and for leave to prosecute said appeal as a poor person,

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 November 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
In the Matter of the Application of  
Adeyinka Adebisi,  
Petitioner-Respondent,

-against-

M-4719  
Index No. 260950/12

The New York City Housing Authority  
and The Risk Management Planning  
Group Authority,  
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 5, 2015, and said appeal having been perfected,

And petitioner-respondent having moved to file a supplemental record and to adjourn the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the February 2018 Term and is otherwise denied.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
In the Matter of the Application of  
Golden Horse Realty, Inc.,  
Petitioner-Appellant,

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

M-4710  
Ind. No. 100036/15

-against-

New York State Division of  
Housing and Community Renewal, et al.,  
Respondents-Respondents.

-----X  
Petitioner-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, entered on or about February 25, 2016, 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 November 2, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Judith J. Gische  
Ellen Gesmer, Justices.

-----x  
Michael I. Knopf, et al.,  
Plaintiffs-Appellants,

-against-

M-3437  
Index No. 113227/09

Michael Hayden Sanford, et al.,  
Defendants-Respondents.  
-----x

Plaintiffs-appellants having moved, pursuant to 22 NYCRR 600.2(a)(3) and CPLR 2221(d)(3), for relief in the nature of reargument, and vacatur of a revised order of this Court entered on June 16, 2016 (M-949A/M-1300A), 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 November 2, 2017.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Angela M. Mazzarelli  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
Scott Meyer,

Plaintiff-Respondent,

-against-

M-5300  
Index No. 152786/16

224 Lafayette St. Corp., also known as  
224 Lafayette Street Corp., et al.,

Defendants-Appellants.  
-----x

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about May 19, 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 granted on condition the appeal is perfected on or before February 21, 2017 for the May 2018 Term. (See M-4765, 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 November 2, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X  
In the Matter of the Application of  
Stanley Hamler,  
Petitioner,

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

M-4586  
Index No. 100445/16

-against-

New York City Housing Authority,  
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 November 2, 2016,

And respondent having moved for dismissal of the aforesaid proceeding,

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

It is ordered that the motion is granted and the 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 November 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Judith J. Gische  
Peter H. Moulton, Justices.

-----X

In the Matter of

Imani Simone T., also known as Imani T.,  
also known as Imani W.; Keyuanna Asia G.,  
also known as Keyaunna G., also known as  
Keyaunna W.; Leshawna Erica G., also  
known as Leshawna G., also known as  
Leshawna W.; Natalia Edna G., also  
known as Natalia G., also known as  
Natalia W.; DeVaughnia Essence W.,  
also known as DeVaughnia W.; and  
11197/13  
Kanye Omari W., also known as Kanye W.,

**CONFIDENTIAL**

M-4857  
Docket Nos. B-11184/13  
B-11192/13  
B-11193/13  
B-11194/13  
B-  
B-11198/13

Dependant children under the Age of 14  
years, in the custody of SCO Family  
Services, abandoned children, pursuant to  
Section 384-b of the Social Services Law.

SCO Family of Services,  
Petitioner-Respondent,

Tamara A. Steckler, Esq.,  
Attorney for Appellant Children.

-----X

Petitioner having moved for dismissal of the appeal taken from six orders of disposition of the Family Court, New York County, entered on or about October 17, 2016, for failure to timely prosecute,

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

(M-4857)

-2-

November 2, 2017

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 November 2, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Judith J. Gische  
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4959  
Ind. No. 3304/10

Modechai Kobbah,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 18, 2013,

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 April 2018 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 November 2, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Judith J. Gische  
Peter H. Moulton, Justices.

-----X  
Mustafa Skeete,  
Plaintiff-Appellant,

-against-

New York City Transit Authority,  
et al.,  
Defendants,

M-4938  
Index No. 112283/09

-and-

Service Force USA, LLC,  
Defendant-Respondent.

-----X  
(And a third-party action)  
-----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 August 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 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 November 2, 2017.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

-----x  
Gerald Rosengarten,  
Plaintiff-Respondent,

-against-

M-5382  
Index No. 651147/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Appellants.

-----x  
Ruandro, LLC,  
Plaintiff-Appellant,

-against-

Index No. 651148/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Respondents.

-----x  
Gerald Rosengarten, derivatively on  
behalf of Three on Third, LLC,  
Plaintiff-Appellant,

-against-

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC, and Woodcutters Realty  
Corp.,  
Defendants-Respondents,

Index No. 651149/14

-and-

Three on Third, LLC,  
Nominal Defendant-Respondent.

-----x

Three appeals having been taken to this Court by defendants-appellants from the order of the Supreme Court, New York County, all entered on or about May 19, 2017, and said appeals having been perfected,

And an order of this Court having been entered November 2, 2017 (M-4502), granting defendants-appellants consolidation of the aforesaid appeals,

And plaintiffs-respondents having moved for an order striking portions of the brief and the record on appeal,

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

It is ordered that the motion is denied. Sua sponte, the consolidated appeals are adjourned to the February 2018 Term. (See M-4502, 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 November 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Gerald Rosengarten,  
Plaintiff-Respondent,

-against-

M-4502  
Index No. 651147/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Appellants.

-----x  
Ruandro, LLC,  
Plaintiff-Appellant,

-against-

Index No. 651148/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Respondents.

-----x  
Gerald Rosengarten, derivatively on  
behalf of Three on Third, LLC,  
Plaintiff-Appellant,

-against-

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC, and Woodcutters Realty  
Corp.,  
Defendants-Respondents,

Index No. 651149/14

-and-

Three on Third, LLC,  
Nominal Defendant-Respondent.

-----x

Three appeals having been taken to this Court by defendants-appellants from an order of the Supreme Court, New York County, all entered on or about May 19, 2017, and said appeals having been perfected,

And defendants-appellants having moved for consolidation of the three aforesaid appeals,

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 consent, to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants points covering the consolidated appeals. (See M-5382, 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 November 2, 2017.

Present - Hon. John W. Sweeny, Jr. Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

In re Murray Energy Corporation,  
Petitioner-Respondent,

-against-

M-4344  
Index No. 157797/16

Reorg Research, Inc.,  
Respondent-Appellant.

-----  
Bloomberg L.P., Dow Jones & Company, Inc.,  
The Economist Newspaper Limited, Euromoney  
Institutional Investor PLC, The Financial  
Times LTD, Intelligence Press, Inc.,  
Politico LLC, Providence Publications, LLC,  
Reuters America LLC, and Sporting Goods  
Intelligence Inc.,  
Amici Curiae.  
-----X

Petitioner-respondent 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 July 13, 2017 (Appeal Nos. 4463-4464N),

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 November 2, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5204

Ind. No. 6240/08

Eric Raosto,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 7, 2011,

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 April 2018 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 November 2, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5215

Ind. No. 3803/12

Octavio Vargas,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 20, 2013,

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 April 2018 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 November 2, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

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

Respondent,

-against-

Arjelis Matos,

Defendant-Appellant.  
-----X

**SEALED**  
M-5216  
Ind. No. 1850/09

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 22, 2011,

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 April 2018 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 November 2, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Richard T. Andrias  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
Pedro Bautista,  
Plaintiff-Appellant-Respondent,

-against-

M-4995  
Index No. 23394/14

Archdiocese of New York, individually,  
and doing business as Catholic Church  
of Christ the King, Catholic Church  
of Christ the King, and The Church of  
Christ,  
Defendants-Appellants-Respondents.

-----X  
Archdiocese of New York, individually,  
and doing business as Catholic Church  
of Christ the King, Catholic Church  
of Christ the King,  
Third-Party Plaintiffs-Appellants,

Third-Party  
Index No. 23394/14E

-against-

Hughes & Hughes Contracting Corp. and  
Richard Moyhagh, doing business as  
Harbor Roofing,  
Third-Party Defendants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 15, 2017, and the appeal taken by defendants/third-party plaintiffs-appellants having been perfected,

And plaintiff-appellant-respondent having moved for (1) an order striking defendants' perfected appeal, with leave to refile the record as a joint record; (2) to direct defendants to correct the case caption of the record on appeal filed on August 1, 2017 to denominate plaintiff as "plaintiff-appellant" and defendants as "defendants-respondents-cross-appellants" and

the record as a "Joint Record"; (3) to delete the case caption on the record on appeal and brief and all reference to the third-party action; (4) to direct defendants to file a supplemental record on appeal to include plaintiff's notice of appeal, reargument statement and motion papers in connection with the summary judgment motions and to enlarge plaintiff's time to perfect its appeal to at least 120 days after the filing of a modified joint record.

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 ordering; (1) defendants, within 10 days of this order, to amend the case caption on the record and brief to designate the defendants as "defendants-appellants-respondents" and the plaintiff as "plaintiff-respondent-appellant"; (2) defendants, within 10 days of this order, to denominate the record on appeal already filed in this Court as a "Joint Record" and file a supplemental record to include plaintiff's notice of appeal and preargument statement; and adjourning the perfected appeal to the February 2018 Term. Plaintiff is directed to file a "respondent-cross-appellant's" brief by January 3, 2018 for said February 2018 Term. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x  
William Schwitzer & Associates, P.C.,

Plaintiff,

-against-

M-4311  
Index No. 655049/17

Chun Ho Chung, et al.,

Defendants.  
-----x

Plaintiff having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about July 27, 2017, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 19, 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 November 2, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x

Yu Yun Dong, as mother and natural guardian of Danny C., an infant,  
Plaintiff-Appellant,

-against-

M-4707

M-4780

M-4609

Index No. 109135/09

Reginald Ruiz, M.D., et al.,  
Defendants-Respondents.

-----x

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

And defendants-respondents Daniel Clement, M.D. (M-4707), St. Vincent's Catholic Medical Center (M-4780) and Daniel Roshan, M.D. (M-4609) having separately moved for dismissal of the aforesaid appeal,

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

It is ordered that the motions are granted, 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 November 2, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Daniel Alvarado,  
Plaintiff-Respondent,

-against-

M-5152  
Index No. 805325/13

Manhattan Oral Facial Surgery,  
LLC, and Ali Payami, DMD, MD,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 28, 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 February 2018 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 November 2, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
STB Investments Corporation, et al.,  
Plaintiffs-Respondents,

-against-

M-5153  
Index No. 650390/14

Sterling & Sterling, Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 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 February 2018 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 November 2, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

In the Matter of the Application of  
Marie Addoo,  
Petitioner-Appellant,

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

M-5154  
Index No. 101569/14

-against-

NYC Board of Education,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about December 22, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2018 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 November 2, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-4716  
Ind. No. 1496/11

Jeramie Rodriguez,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 27, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2018 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 November 2, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
HSBC Bank NA,  
Plaintiff-Respondent, M-4152  
-against- M-4402  
M-5131  
Index No. 380155/10  
Mohammed A. Mannan, et al.,  
Defendants-Appellants.  
-----X

Defendant-appellant Mohammed A. Mannan 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 September 23, 2014 (M-4152),

And defendant-appellant Mohammed A. Mannan having moved separately for a stay of eviction, and for other relief, pending hearing and determination of the appeal (M-4402),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal (M-5131),

Now, upon reading and filing the papers with respect to the motions 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 denied (M-4152). The motion seeking a stay of eviction and other relief is denied as moot (M-4402). The cross-motion is granted and the appeal is dismissed (M-5131).

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 November 2, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x  
Scott Meyer,

Plaintiff-Respondent,

-against-

M-4765  
Index No. 152786/16

224 Lafayette St. Corp., also known as  
224 Lafayette Street Corp., et al.,

Defendants-Appellants.  
-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about May 19, 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 May 2018 Term. (See M-5300, 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 November 2, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x  
MPSF, LLC,

Plaintiff-Appellant,

-against-

M-4934  
Index No. 651203/16

American Capital, Ltd., et al.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 10, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of discontinuance of the parties hereto, dated September 22, 2017, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation, the action having been settled.

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 November 2, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
Martha DeSilvio,  
Plaintiff-Appellant,

-against-

M-4786  
Index No. 157380/12

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, New York County, entered on or about March 19, 2015,

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

It is ordered that the motion is denied and, sua sponte, 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 November 2, 2017.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Karla Moskowitz  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X  
Donna C. Mannino, as Executor of  
the Estate of Louis P. Mannino, Sr.,  
and Donna C. Mannino, individually,  
Plaintiff-Appellant,

-against-

M-4874  
Index No. 805196/13

Mount Sinai Hospital, 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, New York County, entered on or about November 15, 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 February 2018 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 November 2, 2017.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4835  
Ind. No. 1070/11

Rumaldo De La Cruz,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 3, 2012,

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 April 2018 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 November 2, 2017.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

In the Matter of the Application of  
Letitia James, the Public Advocate of  
the City of New York,  
Petitioner-Respondent,

For an Order Convening a Summary  
Judicial Inquiry Pursuant to  
New York City Charter § 1109,

M-5295  
Index No. 450170/16

-against-

Carmen Farina, Chancellor of the New  
York City Department of Education,  
et al.,  
Respondents-Appellants,

-and-

The City of New York,  
Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 11, 2016, and said appeal having been perfected,

And Common Cause New York having moved for leave to file an amicus brief and for leave to appear amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, movant is permitted to appear amicus curiae, and is directed to file 9 copies of said amicus curiae brief within seven days of this order.

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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

Respondent,

-against-

M-4226

Ind. No. 1960/11

Jeffrey Collado,

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 August 28, 2013, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court, 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 granted to the extent of deeming the appeal withdrawn, and otherwise denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

-against-

M-4073  
Ind. No. 4000/08

Maurice Parks,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2009, 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, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Anthony L. Ricco, Esq., and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:

  
CLERK

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

BEFORE: Hon. Rolando T. Acosta  
Presiding Justice of the Appellate Division, First Department

-----x M - 4927  
The People of the State of New York, Ind. No. 5471/09  
9/13  
Respondent,

-against-

William Rodriguez,

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Defendant-Appellant.  
-----x

I, Rolando T. Acosta, Presiding Justice of the Supreme Court, Appellate Division, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named defendant-appellant to appeal to the Court of Appeals.



Presiding Justice

Dated: October 20, 2017  
New York, New York

ENTERED: **NOV 02 2017**

\*Description of Order:

Supreme Court, New York County, entered on May 19, 2014, after a jury trial, and May 12, 2013, as amended May 20, 2014, upon his pleas of guilty.  
App. Div., First Dept., Appeal Nos. 3423 & 3424, aff'd on July 25, 2017.

---

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

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

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

M-4840  
Ind. No. 889/2015

-against-


Ahmadou Sankara,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, certify that the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law sections 450.15 and 460.15 is duplicative of defendant's previous application dated June 28, 2017, which failed to properly present any question of law or fact which ought to be reviewed by the Appellate Division, First Judicial Department. "Not more than one application may be made for such a certificate" (CPL § 460.15[2]). Permission to appeal from the order of the Supreme Court, New York County (Anthony J. Ferrara, J.), entered on or about April 21, 2017, is denied on jurisdictional grounds (*See People v Ramos*, 105 AD3d 684, 685 [1st Dept 2013]). The application for poor person relief is therefore moot.

Dated: October 17, 2017  
New York, New York

  
\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: **NOV 02 2017**

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

-against-

Lataya Carter  
Defendant-Appellant.  
-----X


M-5194  
Ind. No.  
1000/12  
CERTIFICATE  
GRANTING LEAVE

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

Dated: October 24, 2017  
New York, New York

**ENTERED**

NOV 02 2017

  
\_\_\_\_\_  
Hon. Anil C. Singh  
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

---

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

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

-against-

Silvino Martinez

Defendant.

M-4000  
Ind. No.  
4266/2008  
CERTIFICATE  
DENYING LEAVE

-----X

I, Hon. Anil C. Singh, 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 April 26, 2017 is hereby denied.

  
\_\_\_\_\_  
Hon. Anil C. Singh  
Associate Justice

Dated: October 23, 2017  
New York, New York

ENTERED: **NOV 02 2017**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 2, 2017.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

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

Respondent,

-against-

M-3872  
Ind. No. 2779/09

Anonymous,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 31, 2014, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings and the appellate briefs and motions,

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 that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 November 2, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x  
Gerald Rosengarten,  
Plaintiff-Respondent,

-against-

M-4904  
Index No. 651147/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Appellants.

-----x  
Ruandro, LLC,  
Plaintiff-Appellant,

-against-

Index No. 651148/14

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC,  
Defendants-Respondents.

-----x  
Gerald Rosengarten, derivatively on  
behalf of Three on Third, LLC,  
Plaintiff-Appellant,

-against-

Richard Born, Sean MacPherson, Eric  
Goode, Ira Drukier and Sire Hotel  
Company, LLC, and Woodcutters Realty  
Corp.,  
Defendants-Respondents,

Index No. 651149/14

-and-

Three on Third, LLC,  
Nominal Defendant-Respondent.

-----x



Three appeals having been taken to this Court by defendants-appellants from an order of the Supreme Court, New York County, all entered on or about September 6, 2017,

And defendants-appellants having moved for consolidation of the three aforesaid appeals,

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 consent, to the extent of permitting appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants points covering the consolidated appeals. Sua sponte, the appeals are consolidated with the perfected consolidated appeals from the order entered on May 19, 2017 (See M-4502 and M-5382).

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R.", is written above a horizontal line.

CLERK

CORRECTED ORDER - January 5, 2018

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 November 2, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices

-----X  
In the Matter of the Application of  
Deborah Howard,  
Petitioner,

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

M-4301  
Index No. 100781/16

-against-

New York City Housing Authority,  
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 February 16, 2017,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, **and for a stay of eviction,**

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

It is ordered that the motion is granted to the extent of **granting a stay, on condition that the proceeding is perfected for the May 2018 Term,** and permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:

  
CLERK