

✓

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-5015
Indictment No.
2297/11

-against-

CERTIFICATE
DENYING LEAVE

Jose Tayo,
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. William Mogulescu), entered on or about August 2, 2017, is hereby denied.


Associate Justice

Dated: November 1, 2017
New York, New York

ENTERED: **NOV 14 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 14, 2017.

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

-----X
Bldg Christopher LLC, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Herrick Feinstein LLP, et al.,
Defendants-Respondents-Appellants.
-----X

M-4451

M-4763

Index No. 651795/12

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 3, 2016,

And plaintiffs-appellants-respondents having moved for an enlargement of time to perfect their appeal (M-4451),

And defendants-respondents having moved separately for an enlargement of time to perfect their cross appeal (M-4763),

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 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 14, 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-4548
Ind. No. 6606/03

Kyle Jenkins,
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 July 31, 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 March 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 14, 2017.

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

-----X
Metro Sixteen Hotel, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-4227
Index No. 159720/13

Roland Davis,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about November 3, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for other relief,

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

Sua sponte, the appeal from the order of the Supreme Court, New York County, entered on or about November 3, 2016 is deemed subsumed in the appeal from the judgment of said Court entered on or about November 16, 2016, and it is further,

Ordered that the time to perfect the appeal is enlarged to the February 2018 Term, 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 14, 2017.

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

-----X
I Bldg., Inc.
Plaintiff-Respondent,

-against-

M-4507
Index No. 650226/14

Hong Mei Cheung,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 29, 2016,

And defendant-appellant having moved for an enlargement of time to perfect 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, sua sponte, deeming the appeal to be one from a judgment of the same Court and Justice, entered on or about November 7, 2016, bringing up for review the appealed order entered on September 29, 2016 and 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 14, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Ellen Gesmer
Cynthia S. Kern
Anil C. Singh, Justices.

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

Respondent,

-against-

M-5203
Index No. 492/11

Francisco Mendoza,

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 April 3, 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 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 14, 2017.

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

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

Respondent,

-against-

M-5303

Ind. No. 1408/13

Carlos Rositas,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 14, 2017.

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

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

Respondent,
-against-

M-5318
Ind. No. 2331/13

Ramon W. McLean,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 27, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

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 14, 2017.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5320

Ind. No. 1502/15

Robert Terry,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in black ink, appearing to read "Christina Swarns". The signature is written in a cursive style with a large initial "C".

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 14, 2017.

Present - Hon. Rolando 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-5315
Ind. No. 2632/16

Michael Curry,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 23, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour W. James, Jr.", written in a cursive style.

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 14, 2017.

Present - Hon. Rolando 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-5316
Ind. No. 1490/16

Reginald Jones,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 14, 2017.

Present - Hon. Rolando 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-5319
Ind. Nos. 2064/15
2372/15

Deval Davis,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 24, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2017.

Present - Hon. Rolando 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-5324
Ind. Nos. 2606/16
622/16

Kaseem Wilson,

Defendant-Appellant.
-----X

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 14, 2017.

Present - Hon. Rolando 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-5332
Ind. No. 4059/13

Sergio Rodriguez,

Defendant-Appellant.
-----X

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

CORRECTED ORDER - February 28, 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 14, 2017.

Present - Hon. Rolando 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-5333

Ind. No. 4372/11

Stanley Holmes,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 3, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

CORRECTED ORDER – February 28, 2018

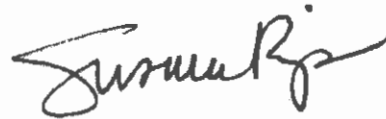
(M-5333)

-2-

November 14, 2017

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Daniel Collin, Thomas J. Craren,
Christian Kohls, Joseph Kohls, Greg
Merchant, Matthew McGowan, Adam Leo
Stone, and Jacqueline Rosanna Stone,

Plaintiffs-Respondents,

-against-

M-5236
Index No. 158134/15

415 PR LLC,

Defendant-Appellant,

-and-

Park Right Corporation,

Defendant.
-----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 5, 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 14, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Ellen Gesmer, Justices.

-----X
Barrington Morris,
Plaintiff-Respondent,

-against-

M-5439
Index No. 301445/15

Shelvis R. Green, Jr., et al.,
Defendants-Respondents,

Sheila Kiffin-Innis,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 10, 2017, 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 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 14, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

M-5137
Ind. No. 2090/10

Christopher Montanez,
Defendant-Appellant.

-----X

An order of this Court entered on September 12, 2017 (M-3503) having denied defendant-appellant's motion for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 17, 2017 (Appeal Nos. 3003-3005),

And counsel for defendant-appellant having moved to vacate the aforesaid order of this Court entered September 12, 2017 and to withdraw appellant's motion for leave to appeal to the Court of Appeals (M-3503),

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 said motion is deemed withdrawn (M-3503).

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 14, 2017.

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

-----X
Deborah Homan,

Plaintiff-Appellant,

-against-

M-4525
Index No. 805060/13

David Seinfeld, M.D., PLLC and
David Seinfeld, M.D.,

Defendants-Respondents.
-----X

Plaintiff having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about November 10, 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 14, 2017.

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

-----X
Daniel Jaquez, Ramon A. Tatis, Su-Ren
Ortiz and Jose A. Santos,
Plaintiffs-Appellants-Respondents,

-and-

Jose Cruz Molina, Ramon Beras and
Nelson Benitez,
Plaintiffs,

M-5156
Index No. 111250/11

-against-

Union Radio Dispatch, Inc.,
Defendant-Respondent-Appellant.

-----X

Plaintiffs-appellants-respondents having moved for an enlargement of time to perfect appeals taken from orders of the Supreme Court, New York County, entered on or about November 10, 2016, January 10, 2017, and March 2, 2017,

And certain defendants having taken separate appeals from orders of the same court and JHO entered January 10, 2017 and March 2, 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 appeals and cross-appeals are, sua sponte, consolidated and the time to perfect the consolidated appeals is enlarged to the March 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 14, 2017.

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

-----X
D.H., an Infant, by his Mother and
Natural Guardian, Sheila Hamilton,

Plaintiffs-Appellants,

-against-

M-4846
Index No. 350460/08

New York City Health and Hospitals
Corporation (North Central Bronx
Hospital),

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on 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 May 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 14, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Cronos Group Limited,
Plaintiff-Respondent,

-against-

M-4665
Index No. 650187/16

XcomIP, LLC and Jay Adams,
Defendants-Appellants.

-----X

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

And an order of this Court entered on December 22, 2016 (M-5811) having granted defendants-appellants stay of all discovery proceedings pending hearing and determination of the aforesaid appeal,

And plaintiff-respondent having moved for vacatur of the aforesaid stay,

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

It is ordered that the motion is denied as moot, said appeal order having been released by this Court on September 19, 2017 (Appeal No. 3186).

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 14, 2017.

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

Justice Presiding,

Justices.

-----X
Ana S. Reyes,

Plaintiff-Appellant,

M-5393

Index No. 300211/14

-against-

Roman Catholic Church of the Immaculate Conception, Christian Brothers Risk Pooling Trust, and Redemptorist Fathers of New York,

Defendants-Respondents.
-----X

An appeal having been taken from a decision and order of the Supreme Court, Bronx County, entered on or about October 14, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 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 November 14, 2017.

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

-----X

In the Matter of the Application of
Julio C. Ruiz,
Petitioner,

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

M-4466
Index No. 102023/16

-against-

City of New York Department of
Finance (Parking Violations),
Respondent-Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 19, 2017, to review a determination of respondent,

And petitioner, pro se, having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is denied, with leave to renew, upon submission of papers including petitioner's most recent pay stub showing year-to-date income, and a detailed explanation, in the form of a sworn affidavit, concerning ownership of the automobile at issue in the underlying administrative proceeding.

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 14, 2017.

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

-----x
U.S. Bank National Association, as
Trustee for Credit Suisse First Boston
Mortgage Securities Corp., Mortgage
Pass-Through Certificates, Series 2006-3,
Plaintiff-Appellant,

-against-

M-4558
Index No. 850097/13

Darryl Jones, etc.,
Defendant-Respondent,

-and-

Criminal Court of the City of
New York, et al.,
Defendants.

-----x

Appeals having been taken to this Court by plaintiff-appellant from an order of the Supreme Court, New York County, entered on or about November 18, 2014 and from orders of the same Court and Justice entered on or about October 21, 2015 and March 6, 2017, respectively,

And plaintiff-appellant 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,


(M-4558)

-2-

November 14, 2017

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 appellant's points covering the consolidated appeals.

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 14, 2017.

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

-----X

Delores McClain-Ouattara,
Plaintiff-Appellant,

-against-

M-4564
Index No. 101528/10

Mark Stein, M.D.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 10, 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 plaintiff perfects its appeal on or before December 4, 2017, for 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 14, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

Craig Newsome a/k/a Craig Newsom
Defendant-Appellant.

CONFIDENTIAL

M-4600

Ind. No. 4582/02

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 1, 2003, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in black ink, appearing to read "Christina Swarns". The signature is written in a cursive style with a large initial "C".

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 14, 2017.

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

-----X
Pilar Ramirez, et al.,
Plaintiffs,

Action No. 1

Delio Polanco, as Administrator
of the Estate of Paulina Cortorreal
Hiciano,
Plaintiff-Appellant,

M-4380
Index No. 300174/12

-against-

Jose Elias-Tejada, et al.,
Defendants-Respondents.

-----X
Jose A. Corchado,
Plaintiff-Respondent-Appellant,

Action No. 2
Index No. 300885/13

-against-

Michael P. Thomas, et al.,
Defendants-Appellants-Respondents.

-----X
Paul Charles Yovino,
Third-Party Plaintiff,

-against-

Jose Elias-Tejada,
Third-Party Defendant.

-----X
Jose M. Elias Tejada
Plaintiff-Respondent,

Action No. 3
Index No. 21702/13E

-against-

Michael P. Thomas, et al.,
Defendants-Appellants-Respondents.

-----X

Appeals having been taken by plaintiff-appellant from orders of the Supreme Court, Bronx County, entered on or about August 10, 2016, April 26, 2017 and April 28, 2017 (Action No. 1); and appeals having been taken by defendants-appellants-respondents and plaintiff-respondent-appellant from orders of the same Court, entered on or about December 23, 2016 and December 27, 2016 (Action No. 2),

And, plaintiff-appellant having moved for an enlargement of time to perfect her appeals taken from the orders entered on or about August 10, 2016, April 26, 2017 and April 28, 2017 (Action No. 1), and to consolidate said appeal with the appeals taken by defendants-appellants and plaintiff-respondent-appellant from the orders entered on or about December 23, 2016 and December 27, 2016 (Action No. 2),

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

Ordered that the motion is granted only to the extent of consolidating the appeals taken by plaintiff-appellant from the orders entered August 10, 2016, April 26, 2017 and April 28, 2017 and enlarging her time to perfect her appeals to the March 2018 Term, and otherwise denied, without prejudice to renewing the motion upon the submission of affirmations from counsel for the other appellants.

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 14, 2017.

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

-----x

Michael Seleman,
Plaintiff-Respondent,

-against-

M-4578

Index No. 101072/11

Barnes & Noble, Inc.,
Defendant-Appellant.

-----x

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about March 29, 2016 and August 16, 2016, and said consolidated appeals having been perfected,

And plaintiff-respondent having moved for leave to supplement the record on appeal to include "Plaintiff's Combined Demands for Discovery and Inspection" dated March 22, 2011, and for adjournment of the perfected consolidated 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 directing plaintiff-respondent to file a supplemental record on appeal containing plaintiff's Combined Demands for Discovery and Inspection (Exhibit B to the moving papers), as well as a copy of this order with his respondent's brief, on or before December 6, 2017 for the January 2018 Term, to which Term the appeal is adjourned.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 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-

Racine Bell,

M-5214
Index Nos. 4145/13
793/14

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 May 7, 2014,

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 March 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 14, 2017.

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

-----x
Peter M. Kaplan, M.D.,
Plaintiff-Appellant,

-against-

Andrea Karambalas,
Defendant-Respondent.
-----x

M-4275
M-4732
Index No. 401958/13

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about November 24, 2015 and February 10, 2016, respectively,

And plaintiff-appellant having moved to withdraw his appeal from a portion of an order entered November 24, 2015, and for an enlargement of time to perfect his appeal from an order entered on or about February 10, 2016 (M-4275),

And former counsel for defendant-respondent, Cohen Goldstein, LLP, having cross-moved to dismiss the appeal from the order entered on or about February 10, 2016 (M-4732),

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 plaintiff's motion is granted to the extent of withdrawing the appeal from the order entered on or about November 24, 2015, and the motion is otherwise denied (M-4275). The cross motion is granted, and plaintiff's appeal from the order entered on or about February 10, 2016, is dismissed (M-4732).

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 14, 2017.

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

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

-against-

M-5125
Ind. No. 4214/16

Randy Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

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 14, 2017.

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

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

-against-

M-5139
Ind. No. 1624N/16

Wendell Wilson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 27, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of Appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 14, 2017.

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

-----X

Francis B. Sapienza, et al.,
Petitioner-Respondent,

-against-

M-3871
Index No. 653913/14

James Fenimore, et al.,
Respondents-Appellants.

-----X

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

And an order by a Justice of this Court entered on July 19, 2017, staying only that part of the aforesaid order directing respondent James Fenimore to disgorge fees and otherwise denying other relief sought by said respondent,

And respondents-appellants having moved to stay the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted only to the extent of continuing the relief granted by the aforesaid order of a Justice of this Court, dated July 19, 2017, on condition the appeal is perfected for the March 2018 Term, 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 14, 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,

Plaintiff,

-against-

M-4079
Index No. 260341/16

Haffel Concepcion,

Defendant-Respondent,

Seneca Insurance Company, Inc./
ABC Bail Bond Agency Inc.,

Petitioner-Appellant.
-----X

Petitioner-appellant surety 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 October 6, 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 14, 2017.

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

-----X
Lauren Mitzner,
Plaintiff-Respondent,

-against-

M-4140
Index No. 160195/14

Royal Bank of Canada, RBC Capital
Markets LLC, Andrew Schwartz and
Douglas Colandrea,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 17, 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 dismissing the appeal unless perfected on or before February 20, 2018, for the May 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 14, 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-4202
Ind. No. 1847/15

Felix Pacheco,
Defendant-Appellant.

-----X

Attorney for defendant-appellant having moved for relief in the nature of "discontinuing as moot" defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2016, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 14, 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-4228
Ind. No. 1/13

Andre Dennis, also known as Denise
Dennis,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 1, 2016 (M-148), inter alia, substituting Robert S. Dean, Esq., as counsel to prosecute the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 25, 2013, under Indictment No. 1/13,

And defendant-appellant having moved for an order amending the aforementioned order or assignment to include the judgment of resentence of said Court rendered on or about July 7, 2017, under the same indictment number,

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 of assignment to include the judgment of resentence of said Court rendered on or about July 7, 2017, under the same indictment number, 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 14, 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
Anthony Goodwin,
Petitioner-Appellant,

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

M-4296
Index No. 250002/17

-against-

Joseph Ponte, Commissioner of the New
York City Department of Corrections
Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 12, 2017, 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 said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 to the May 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 14, 2017.

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

-----X
Olga Konina,
Plaintiff-Appellant,

-against-

Pavel Konin,
Defendant-Respondent.
-----X

CONFIDENTIAL

M-4304

Index No. 310439/14

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about September 29, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time to perfect the appeal,

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 denied, with leave to renew, upon proof of service of the instant motion upon the defendant's New York counsel and upon plaintiff's submission of a CPLR 1101(a) affidavit.

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 14, 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
Hilary Best,
Petitioner,

For a Judgment Pursuant to Article 78 M-4371
of the CPLR,

-against-

New York City Department of Finance
School Zone Camera Unit,
Respondent.

-----x

Petitioner having moved for a stay of certain administrative dispositions pending hearing and determination of an unspecified 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.

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 14, 2017.

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

-----X
Randi Sachar,
Plaintiff-Appellant,

-against-

M-4384

M-4387

Index No. 106847/10

AMC Entertainment - Columbia
Pictures Industries, Inc., 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 September 27, 2016 (M-4384),

And defendant-respondent having cross-moved to dismiss the appeal, for failure to timely perfect (M-4387),

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 enlarging the time to perfect the appeal to the February 2018 Term (M-4384). The cross motion is granted to the extent of dismissing the appeal unless perfected for said February 2018 Term (M-4387).

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 14, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Ellen Gesmer, Justices.

-----x
P7 Owner LLC,

Plaintiff-Appellant,

-against-

M-1680
Index No. 651981/12

Arbor Realty Trust, Inc., 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 February 7, 2017 (Appeal No. 3008),

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