

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 21, 2017.

Present - Hon. Roslyn H. Richter, Justice Presiding,  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
KNIC, LLC, a Delaware Limited  
Liability Company, et al.,

Plaintiffs-Appellants,

-against-

M-5415  
Index No. 22507/16

New York City Economic Development  
Corporation,

Defendant-Respondent,

-and-

Zachary W. Carter, etc.,  
Nominal Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about December 20, 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 21, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
530 Second Ave. Co. LLC,  
Petitioner-Landlord-Respondent,

-against-

M-5506  
Index No. 570431/14

Lillian Zenker,  
Respondent-Tenant-Appellant.

-----x

An appeal having been taken to this Court from an order of the Appellate Term, New York County, rendered on or about March 2, 2017, and said appeal having been perfected,

And petitioner-respondent-landlord having moved for permission to file a supplemental record on appeal to include an EBT transcript, with corrections (Exh. D. to moving papers) and a stipulation (Exh. E. to moving papers),

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 petitioner-respondent-landlord to file the proposed supplemental record within seven days of this order, without prejudice to the respondent-tenant-appellant raising objections in a reply brief. Sua sponte, the appeal is adjourned to the January 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 21, 2017.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
399 Exterior Street Associates, LLC,  
Petitioner,

For a Judgment Pursuant to Eminent  
Domain Procedure Law (EDPL) Sec. 207,

M-5568  
Docket No. 105/17

-against-

City of New York,  
Respondent.

-----X

Petitioner having filed a petition pursuant to the Eminent Domain Procedure Law (EDPL) Sec. 207, seeking to reject a determination by respondent issued on or about April 5, 2017, and said proceeding having been perfected,

And petitioner having moved for a calendar preference for the December 2017 Term,

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 to the extent of granting a calendar preference for the first week of said December 2017 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 2017.

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

-----X  
Hertz Vehicles, LLC,  
Plaintiff-Appellant,

-against-

M-4951  
Index No. 161499/13

Gejo, LLC, 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 December 13, 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 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 21, 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-5287  
Ind. No. 4813/13

Anibel Quinones,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 3, 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 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", written in a cursive style.

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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 21, 2017.

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

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

Respondent,

-against-

M-5273  
Ind. No. 59/16

Brian Santos,

Defendant-Appellant.  
-----X

Defendant-appellant 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 November 3, 2016 and a judgment of **resentence** rendered on or about September 7, 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 moving papers a timely filed notice of appeal.

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 21, 2017.

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

-----X

Mary Owens, Individually, and as  
Parent and Legal Guardian of  
William Joseph Owens, etc.,  
Plaintiffs-Appellants,

-against-

Federation Employment and Guidance  
Service Inc., FECS Bleier Intermediate  
Care Facility,  
Defendants-Respondents.

M-3623  
M-4353  
Index No. 7502/07

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from the order of the Supreme Court, Bronx County, entered on or about January 20, 2016 (M-3623),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal, for failure to timely perfect (M-4353),

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 March 2018 Term, with no further enlargement to be granted (M-3623). The cross motion is granted to the extent of dismissing the appeal unless perfected for said March 2018 Term (M-4353).

ENTER:



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 21, 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

Toussaint E.,

**CONFIDENTIAL**

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

M-4374

Docket No. NN-42381/13

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

-against-

Angeline M.,  
Respondent-Appellant,

Allen E.,  
Respondent-Appellant.

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

-----X

Assigned counsel for respondent-appellant mother Angeline M. having moved for leave to withdraw the appeal taken from the Order of Disposition of the Family Court, New York County, entered on or about January 19, 2017,

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

(M-4374)

-2-

November 21, 2017

Ordered that the motion is granted and the respondent-appellant mother's appeal from the Order of Disposition of the Family Court, New York County, entered on or about January 19, 2017, is deemed withdrawn.

ENTER:

  
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 21, 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  
Eugene Youngblood,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4161  
of the Civil Practice Law and Rules Index No. 251642/15

-against-

Tina M. Stanford, Chairwoman, the New  
York State Board of Parole, Department  
of Corrections,  
Respondents-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 May 22, 2017, 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 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. So much of the motion seeking an enlargement of time to perfect the appeal is denied as unnecessary, with leave to renew.

ENTERED:

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

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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 21, 2017.

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

-----X

Felice Lifshitz,  
Plaintiff-Appellant,

-against-

Sheri Franklyn,  
Defendant-Respondent.

-----X

M-4173

M-4445

Index No. 103232/12

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 16, 2016 (M-4173),

And defendant-respondent having cross-moved to dismiss the appeal, for failure to timely perfect (M-4445),

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 March 2018 Term (M-4173). The cross motion is granted to the extent of dismissing the appeal unless perfected for said March 2018 Term (M-4445).

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 21, 2017.

PRESENT: Hon. Barbara R. Kapnick, Justice Presiding,  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Tomoko Watabe, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-5250  
M-5284  
Index No. 110302/08

Ci:Labo USA, et al.,  
Defendants-Respondents-Appellants.

-----X

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

And defendants-respondents-appellants having moved for an enlargement of time to perfect their cross appeal from the aforesaid order (M-5250),

And plaintiffs-appellants-respondents having moved for an enlargement of time to perfect their appeal from the aforesaid order (M-5284),

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 to the extent of enlarging the time to perfect the appeal and cross appeal to the September 2018 Term (M-5250/M-5284).

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 21, 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,  
Defendant.

-against-

M-5428  
Ind. No. 59/15

Tyquan McNeill,  
Defendant-Appellant

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 8, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 3, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 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.

-----  
Joseph A.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-5077  
Docket No. V-32574-6/15/15A

-against-

Isabella A.,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 31, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated September 18, 2017, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 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

Angelica A.,

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

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

M-4965  
Docket No. NN-27643/16

Carlos A.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 6, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3)

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

permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 2017.

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

-----X  
In the Matter of a Family Offense  
Proceeding Pursuant to Article 8 of  
The Family Court Act.

-----  
Alquidamia E. R.,  
Petitioner-Respondent,

M-5172  
Docket No. O-14789/15

-against-

Luis E. A.,  
Respondent-Appellant.

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

-----X  
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the Order of Fact-Finding and Disposition and the Order of Protection of the Family Court, Bronx County, both entered on or about October 29, 2015, 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, Randall S. Carmel, Esq., 410 Jericho Turnpike, Suite #302, Jericho, NY 11753, Telephone No. 516-921-8800, 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. Sua sponte, the appeal is adjourned to the January 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 21, 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 Visitation Proceeding Under Article 6 of the Family Court Act.

**CONFIDENTIAL**

M-5174

Elizabeth P.,  
Petitioner-Appellant,

Docket Nos. G-29186/15  
G-29187/15

-against-

Joann C.,  
Respondent-Respondent.

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

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 12, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-374-1962, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy

of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the January 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 21, 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; and an Order of Protection Under Article 8 of the Family Court Act.

**CONFIDENTIAL**

M-5175

Docket Nos. V-3432/16

V-3432/16/16B

O-3450/16

- - - - -

Dayon G.,  
Petitioner-Respondent,

-against-

Tina T.,  
Respondent-Appellant.

- - - - -

Marquita Simon, Esq.,  
Children's Law Center,  
Attorney for the Children.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 9, 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, Ethan J. Steward, Esq., 576 Fifth Avenue, Suite #903, New York, NY 10036, Telephone No. 347-913-6440, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that

one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the January 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 21, 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-5427  
Ind. No. 3188/14

Erik Morales,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 24, 2015, March 13, 2015, and the judgment of **resentence** rendered on or about August 24, 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 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 21, 2017.

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

-----X  
Terence Rooney,

Plaintiff-Respondent,

-against-

Port Authority of New York &  
New Jersey, et al.,

Defendants-Appellants.  
-----X

M-5558X  
Index No. 304112/13

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 24, 2017, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 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-5560  
Ind. No. 4086/16

Lucille Leudesdorf,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 17, 2017,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
Troy K. Webber  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

In the Matter of

Michael P., also known as  
Michael S. P., Jr.,

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

- - - - -

Edwin Gould Services for Children and  
Families, et al.,  
Petitioners-Respondents,

M-5047  
M-5373  
Docket No. B-36955/15

Michael P.,  
Respondent-Appellant.

- - - - -

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

-----X

Petitioner-respondent agency, Edwin Gould Services for Children and Families, having moved for dismissal of the appeals taken from the order of the Family Court, New York County, entered on or about June 9, 2016 (M-5047),

And respondent-appellant having cross-moved for leave to prosecute the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief (M-5373),

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 cross-motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112

Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court,** and it is further,

Ordered that the motion to dismiss the appeal is denied, without prejudice to renewal upon submission of proof of service upon counsel of this order within 10 days after the date of entry hereof.

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Peter Tom  
Troy K. Webber  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x

In Re: New York City Asbestos Litigation

This Document Relates To: M-5392  
Index Nos. 40000/88  
ALL CASES 782000/17

-----x

An appeal having been taken to this Court from the case management order of the Supreme Court, New York County, entered on or about June 23, 2017, and said appeal having been perfected,

And proposed amici curiae Business Counsel of New York State, Lawsuit Reform Alliance of New York, New York Insurance Association, Inc., Northeast Retail Lumber Association, Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, National Association of Manufacturers, NFIB Small Business Legal Center, American Tort Reform Association, Washington Legal Foundation and American Insurance Association having moved for leave to file a brief 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 to the extent of granting the proposed amici curiae leave to appear in support of the defendants-appellants; the nine copies of the proposed brief of the amici previously submitted to this Court is deemed filed.

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 21, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x

Pamela Green and David Reyes,  
Petitioners-Appellants,

-against-

M-4274  
File No. 2012-3948/A

Jo Anne Simon, Individually and as  
Trustee of the Gerald Arthur Living  
Trust, etc., et al.,  
Respondents-Respondents.

- - - - -

In the Matter of the Application of  
David A. Caraway, Temporary  
Administrator, to compel the turnover  
of property from the Estate of

File No. 2012-3948/F

Gerald W. Arthur, also known as  
Gerald Arthur,

Deceased.

- - - - -

In the Matter of the Application of  
Jo Anne Simon, Trustee of the Gerald  
W. Arthur Living Trust to sell the  
Trust Property in the Estate of

File No. 2012-3948/G

Gerald W. Arthur, also known as  
Gerald Arthur,

Deceased.

-----x

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the So Ordered Stipulation of Settlement of the Surrogate's Court, New York County, entered on or about June 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 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 21, 2017.

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

-----X  
Selnick Harwood Engineering  
Consultants, LLC,

Plaintiff-Respondent,

-against-

Atlantic Development Group, LLC,

Defendant-Appellant.  
-----X

M-4718  
Index No. 100332/12

Defendant 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 October 19, 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 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 21, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Raul Teano and Theodora Teano,  
Plaintiffs-Respondents,

-against-

M-4928  
Index No. 158250/13

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

-----X

Plaintiffs-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about December 28, 2016, for failure to timely perfect,

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

It is ordered that the motion is denied.

ENTER:

  
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 21, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x

Robert Santiago,  
Plaintiff-Appellant-Respondent,

-against-

M-4248

M-4632

Index No. 115909/10

44 Lexington Associates, LLC,  
et al.,  
Defendants-Respondents-Appellants,

-and-

Tractel Inc.,  
Defendant-Respondent/Respondent.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 17, 2016,

And plaintiff-appellant having moved for an enlargement of time to perfect his appeal (M-4248),

And 44 Lexington Associates, LLC, et al. having separately moved for an enlargement of time to perfect their appeal (M-4632),

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

Sua sponte, the appeals are consolidated, and appellants are permitted to prosecute the appeals upon 8 copies of one record. The attention of the parties is directed to Rule 600.11(d) of the Rules of this Court with respect to a joint record and costs thereof, and it is further,

Ordered that the motions are granted to the extent of enlarging the time to perfect the consolidated appeals to the March 2018 Term (M-4248/M-4632).

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 21, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Rosalyn H. Richter  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
The People of the State of New York  
ex rel. Lizzie-Anne Beale, on behalf of  
Alejandro Perez,  
Petitioner-Appellant,

-against-

M-4398  
Index No. 452219/17

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

An appeal having been taken to this Court from the order of the Supreme Court, New York County, rendered on or about August 9, 2017, which dismissed a habeas corpus proceeding,

And petitioner-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 the assignment of counsel, to be released on his own recognizance and for expedited hearing of the appeal,

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

It is ordered that said motion is granted to the extent of directing that the appeal 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 Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Pursuant to Section 35 of the Judiciary Law, 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 appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

Petitioner is directed to perfect the appeal for the March 2018 Term. The motion, to the extent it seeks to be released on his own recognizance, is denied as academic.

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 21, 2017.

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

-----X  
Jerry E. Clements and Carol Wachs,  
Plaintiffs-Appellants,

-against-

M-5482  
Index No. 650810/17

201 Water Street LLC,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 28, 2017,

And plaintiffs-appellants having moved to stay the closing of the subject purchase agreement, pending hearing and determination of the aforesaid appeal,

And a Justice of this Court having granted an interim stay on October 12, 2017,

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

It is ordered that the motion for a stay pending appeal is granted; the Clerk of the Court is directed to maintain the appeal on the January 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 21, 2017.

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

-----X  
200 East 62<sup>nd</sup> Street Owner LLC,  
Plaintiff-Respondent,

-against-

M-5337

Index No. 158233/14

Kathryn Grace Jordan,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 5, 2016,

And, defendant-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid appeal and to "assume" the contents of the record, or in the alternative, to remand the matter for the trial Court to vacate the "final order",

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, and otherwise denied.

ENTER:

  
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 21, 2017.

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

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

-----  
Julie Beth H.,  
Petitioner-Appellant,

-against-

Jerry Michael W.,  
Respondent-Respondent.

M-4727  
Docket Nos.  
F-29283-12/12A  
F-28283-12/13B

-----X  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about August 24, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 21, 2017.

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

-----X  
Yessenia Nicole,  
Plaintiff-Respondent,

-against-

M-4837  
Index No. 306743/13

RJ Lease Management Corp., and  
"John Doe", Ramon Diazbonsenor and  
"John Doe",  
Defendants-Appellants.

-----X

Defendant-appellant RJ Lease Management Corp. 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 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 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 21, 2017.

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

-----X  
Lukasz Gottwald, presently known as,  
Dr. Luke, Kasz Money, Inc. and  
Prescription Songs, LLC,  
Plaintiffs-Respondents,

-against-

Kesha Rose Sebert, presently known as  
Kesha,  
Defendant-Appellant.

M-4217  
Index No. 653118/14

-----X  
Kesha Rose Sebert, presently known as  
Kesha,  
Counterclaim Plaintiff-Appellant,

-against-

Lukasz Gottwald, presently known as  
Dr. Luke, Kasz Money, Inc. and  
Prescription Songs, LLC, Kemosabe  
Entertainment, LLC, Kemosabe Records,  
LLC, Sony Music Entertainment, and  
Does 1-25, inclusive,  
Counterclaim Defendants-Respondents.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 19, 2016, from orders of the same Court and Justice entered on or about April 6, 2016 and March 21, 2017,

And defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 19, 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 consolidating the appeals taken from the February 19, 2016 and April 6, 2016 orders and permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. Defendant-appellant is directed to perfect the consolidated appeals on or before January 2, 2018, for the March 2018 Term. Defendant-appellant is granted leave, if so advised, to perfect her appeal taken from the order of the same Court and Justice entered on March 21, 2017, for said Term, upon the same record and brief.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", 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 21, 2017.

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

-----X  
Jacqueline Ambersley,  
Plaintiff-Appellant,

-against-

M-5009  
Index No. 303933/12

Athleta LLC, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 18, 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 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 21, 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 the Application of  
Yu Chan Li,  
Petitioner-Appellant,

-against-

M-4863  
Index No. 100241/16

New York City Landmarks Preservation  
Commission,  
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 19, 2017,

And petitioner-appellant having moved 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 denied as premature, with leave to renew, by motion returnable on or after January 2, 2018.

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 21, 2017.

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

-----X  
M.L.C. Construction, Inc., et al.,  
Plaintiffs-Respondents,

-against-

M-4717  
Index No. 300251/12

Hui Ru Zhang, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 19, 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 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 21, 2017.

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

-----X  
Amgad M. Abdou,

Plaintiff-Appellant,

-against-

M-5177  
Index No. 156570/14

A. T. Cab Corp., et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 23, 2016,

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

It is ordered that the motion is granted 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 21, 2017.

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

-----X  
Iykeland Ricketts, et al.,

Claimants-Appellants,

-against-

M-5218  
Claim No. 124046

State of New York,

Defendant-Respondent.  
-----X

Claimants having moved for an enlargement of time to perfect the appeal from an order of the Court of Claims, entered on or about April 13, 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 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 21, 2017.

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

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

Respondent,  
-against-

M-5276  
Ind. No. 2644N/09

Juan Rosario,

Defendant-Appellant.  
-----X

Defendant having renewed his motion 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 December 4, 2014, 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

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 21, 2017.

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

Justice Presiding,  
  
  
  
Justices.

-----X

In the Matter of

Zyaire C.,

A Person Alleged to be a  
Juvenile Delinquent,

Respondent.

-----X

**CONFIDENTIAL**

M-5356

Docket No. D-46616/16

Respondent having moved for an enlargement of time to perfect the appeal from an order of the Family Court, New York County, entered on or about January 5, 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 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 21, 2017.

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

-----X

Moon 170 Mercer, Inc.,  
Plaintiff-Respondent,

-against-

M-5470  
Index No. 155605/12

Zachary Vella,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 7, 2017,

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 enlarging the time to perfect the appeal to the June 2018 Term. [See M-1350/M-3043, 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 21, 2017.

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

Moon 170 Mercer, Inc.,  
Plaintiff-Respondent,

-against-

Zachary Vella,  
Defendant-Appellant.  
-----X

M-1350  
M-3043  
Index No. 155605/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 7, 2017,

And defendant-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom and an appeal in Mephisto Management LLC v Moon 170 Mercer, Inc. (M-1350),

And plaintiff-respondent having moved to vacate the interim relief granted by an order of a Justice of this Court on February 7, 2017, to dismiss the aforesaid appeal and for other relief (M-3043)

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

It is ordered that the motion (M-1350) is granted on condition defendant-appellant continues to maintain a bond or undertaking in the amount of the judgment plus continuing interest. Sua sponte, the time to perfect the appeal is enlarged to the June 2018 Term (M-1350). The motion to dismiss the appeal and other relief is denied, without prejudice to proceedings in the Supreme Court (M-3042). [See M-5470, 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 21, 2017;

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn, Justices.

-----X  
In re Alexander Z., and Christina Z.,  
Appellants,

Dependent Children Under Eighteen years  
of Age, etc.,

**CONFIDENTIAL**

M-3557

Docket Nos. N-30039-40/13

Anne Z.,  
Respondent-Appellant,

Administration for Children's Services,  
Petitioner-Respondent.

-----X

Respondent-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on June 1, 2017 (Appeal No. 4154),

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 that portion of the order entered June 1, 2017 (Appeal No. 4154) addressing respondent's appeal is recalled and vacated and the Clerk of this Court is directed to restore respondent's appeal to the calendar for the March 2018 Term. The parties are permitted to submit supplemental briefs, should they so desire, solely with respect to any issues raised in respondent's brief.

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 21, 2017.

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

-----X  
Maryellis Bunn,

Plaintiff-Appellant-Respondent,

-against-

The City of New York,  
Defendant-Respondent,

-and-

Port Motors Lincoln-Mercury, Inc.,  
Aldair Lemos and Lucemi Love,  
Defendants-Respondents-Appellants.

-----X

M-4389

M-4577

Index No. 158770/13E

Plaintiff-appellant-respondent having moved for an enlargement of time to perfect its appeal taken from an order of the Supreme Court, New York County, entered on or about November 15, 2016 (M-4389),

And defendants-respondents-appellants having moved for the same relief (M-4577),

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 to the extent of enlarging the time to perfect their respective appeals to the March 2018 Term (M-4389/M-4577).

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 21, 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  
ex rel. John Paul Deverna, Esq.,  
On behalf of Kim Yolanda Jenkins,  
Petitioner-Appellant,

-against-

M-4472

Index No. 250442/17

Warden, RMSC (Rose M. Singer Center),  
etc.,  
Respondent-Respondent.

-----x

Petitioner-appellant having moved for leave to be released on her own recognizance pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 5, 2017, which denied petitioner's habeas corpus petition seeking review of her detention status,

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 21, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----x

Diane I. Dua, et al.,  
Plaintiffs-Respondents,

-against-

M-5454

Index No. 110344/10

New York City Department of Parks and  
Recreation, etc., et al.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 11, 2017,

And defendants-appellants having moved for a stay of enforcement of the order 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 continuing the stay granted by the order of a Justice of this Court, dated October 16, 2017, on condition defendants-appellants perfect their appeal on or before January 29, 2018 for 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 21, 2017.

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

-----X

Nationstar Mortgage LLC,  
Plaintiff-Respondent,

-against-

M-5262  
Index No. 850164/15

Vladimir Slavutsky,  
Defendant-Appellant,

Yanna Slavutsky, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 20, 2017

And defendant-appellant having moved for relief in the nature of a temporary restraining order and injunction, precluding plaintiff from transferring, encumbering, dissipating or permitting to become subject to a security interest or lien a certain property, pending hearing and determination of the aforesaid appeal,

And an interim stay having been granted by a Justice of this Court on September 29, 2017,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated September 29, 2017, is hereby vacated.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 21, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Marcy L. Kahn, Justices.

-----X

In the Matter of the Application of  
Raisa R. Chaudry,  
Petitioner-Appellant,

-against-

M-5138  
Index No. 652120/14

New York City Department of Education,  
et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 13, 2017,

And petitioner-appellant, pro se, 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 denied, with leave to renew, upon proof of service of the motion upon Zachary W. Carter, Corporation Counsel, Attention: Eric Murrell, at 100 Church Street, Room 2-140, New York, New York 10007, and further upon papers including an affidavit which addresses petitioner's excuse for delay in making this motion and sets forth the merits of the appeal sought to be bought.

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 21, 2017.

Present - Hon. Roslyn H. Richter, Justice Presiding,  
Angela M. Mazzairelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Law Offices of Paul A. Chin, P.C.,

Plaintiff-Respondent,

-against-

M-5192  
Index No. 652109/16E

Seth A. Harris, PLLC, doing  
business as Burns & Harris,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to perfect the appeals from an order and judgment of the Supreme Court, New York County, entered on or about December 12, 2016 and December 16, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals 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 21, 2017.

Present - Hon. Roslyn H. Richter, Justice Presiding,  
Angela M. Mazzarelli  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
Annette Vodola,

Plaintiff-Appellant,

-against-

M-5405  
Index No. 20458/14E

Parkash 3250 LLC,

Defendant-Respondent.

-----X

Plaintiff having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 4, 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 enlarging the time to perfect the appeal to the March 2018 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Peter H. Moulton  
Justice of the Appellate Division

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

M-4138  
Ind. No. 1751/10

-against-


CERTIFICATE  
DENYING LEAVE

Randolph Maxwell,  
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 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 (Juan Merchan, J.) entered on or about March 2, 2017 is hereby denied (*see also People v. Maxwell*, 130 A.D.3d 533 [1st Dept 2015], *lv denied* 2017 NY Slip Op 79746(U), [1st Dept 2017]).

Dated: October 24, 2017  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: NOV 21 2017

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

✓

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

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

M-5093  
Ind. No. 4728/12

-against-

CERTIFICATE  
DENYING LEAVE

Michael Williams,  
Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant pro se, 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 on the requested appeal from the denial of defendant's motion to vacate judgment pursuant to CPL § 440.10 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 (Roger S. Hayes, J.) entered on or about August 11, 2017 is hereby denied.<sup>1</sup>

Dated: October 26, 2017  
New York, New York



\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

ENTERED: **NOV 21 2017**

<sup>1</sup> See also *People v Williams*, \_\_AD3d\_\_, 2017 NY Slip Op 07183, \*2 [2017].



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

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

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

M-2853  
Ind. No. 572/1975

-against-

CERTIFICATE  
DENYING LEAVE

Anthony Ricco,

Defendant.  
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 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, entered on or about March 2017, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: October 31, 2017  
New York, New York

ENTERED: NOV 21 2017

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

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

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

M-4428  
Ind. No. 3277/13

-against-

CERTIFICATE  
GRANTING LEAVE

Angelo Burgos,  
Defendant-Appellant.

-----X

Defendant's motion for clarification and/or modification of the certificate entered on August 1, 2017 is granted.

It is hereby certified 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 orders of the Supreme Court, New York County (Ruth Pickholz, J), entered on February 7, 2017 and March 21, 2017.<sup>1</sup>

Dated: October 26, 2017  
New York, New York

**ENTERED** NOV 21 2017



\_\_\_\_\_  
Hon. Troy K. Webber  
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.

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 21, 2017.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Barbara R. Kapnick  
Jeffrey K. Oing Justices.  
Peter H. Moulton,

-----X

Yoram F.,  
Plaintiff-Appellant,

**CONFIDENTIAL**

-against-

M-5443  
Index No. 309125/13

Bat-El Yishay F.,  
Defendant-Respondent.

-----X

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

And an order of this Court entered on September 6, 2017 (M-3040/M-3030) having granted plaintiff-appellant a stay of execution of the aforesaid order pending determination of the appeal on condition said appeal is perfected for the December 2017 Term (M-3040), and denying defendant-respondent's cross motion for related relief (M-3030),

And plaintiff-appellant having moved to modify the aforesaid order of this Court to provide that said stay is granted on condition the appeal is perfected for the February 2018 Term,

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-appellant's motion to modify the aforesaid order of this Court is granted on condition the appeal is perfected for the February 2018.

ENTERED:

  
\_\_\_\_\_  
CLERK