

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 December 11, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

New York City School Construction Authority,
Plaintiff-Respondent,

-against-

M-4845
M-5005
Index No. 42079/14

Adam's European Contracting, Inc.
Defendant-Appellant.

-----X

Adam's European Contracting, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Phoenix Services Corp., Universal Testing & Inspection Services Inc., Susan Doban, and Susan Doban Architect, PC,
Third-Party Defendants-Respondents.

-----X

Third-party defendant-respondent Phoenix Services Corp. having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 13, 2017, (M-4845),

And defendant/third-party plaintiff-appellant, Adam's European Contracting, Inc., having moved for an enlargement of time to perfect the appeal taken from an order of the same Court, entered on or about July 20, 2017, (M-5005),

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 by third-party defendant-respondent Phoenix Services Corp. to dismiss the appeal taken from the March 13, 2017 order, (M-4845), is granted, and

It is further ordered that the motion by defendant/third-party plaintiff-appellant Adam's European Contracting, Inc., (M-5005), is granted to the extent of enlarging the time to perfect the appeal taken from the July 20, 2017 order, to the April 2019 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 December 11, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x

Mark Parkinson,
Plaintiff-Appellant,

-against-

M-5160
Index No. 158263/15

Fedex Corporation and Federal Express
Corporation,
Defendants-Respondents.

-----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 March 20, 2018, and an order entered on or about September 25, 2018, of the same court, which denied plaintiff's motion to renew and reargue the order entered March 20, 2018,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same,

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 plaintiff-appellant to prosecute the consolidated appeals upon one record and one set of appellant's points covering the consolidated appeals. Plaintiff is directed to file an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record,

(M-5160)

-2-

December 11, 2018

pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. The time to perfect the consolidated appeals is enlarged to the April 2019 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 December 11, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x
United Capital Real Estate Development Corp.,

Plaintiff-Appellant,

-against-

M-5309
Index No. 155910/18

Sahara US Corporation, et al.,

Defendants-Respondents.
-----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 October 17, 2018,

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 the order of a Justice of this Court, dated October 22, 2018, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Catherina Park and Kyun Sang Park,
Plaintiffs-Appellants,

-against-

M-5144
Index No. 156500/17

27 Washington Sq. North Owner LLC,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about January 8, 2018 and, upon vacatur, for an enlargement of time to perfect same,

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 reinstating the appeal from the order entered on or about January 8, 2018 and enlarging the time to perfect said appeal to the April 2019 Term. (See, 22 NYCRR 1250.10).

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 December 11, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
Naomi Pouchie,
Plaintiff-Appellant,

-against-

M-5239
Index No. 308501/12

Sandra Pichardo, 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 April 20, 2018,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the attorneys for plaintiff-appellant dated November 19, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-4653
Ind. No. 1116/16

Dajon Melendez,

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 November 13, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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. 212-402-4100, 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 180 days from the date of receipt of the complete record.

ENTERED:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. The signature is cursive and stylized.

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 December 11, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Brothers PAC Four, LLC, a
California Limited Liability Company,
Plaintiff-Respondent,

-against-

M-5531
Index No. 152864/17

War Entertainment, LLC, a New York
Limited Liability Company;
Wayne Demilia, an individual,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a further stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about July 24, 2018, pending the 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 to the extent of staying enforcement of the judgment on condition the appeal is perfected on or before January 28, 2019 for the April 2019 Term, with no further enlargements to be granted, absent exceptional circumstances.

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 December 11, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
Xue Jie He,

Plaintiff-Appellant,

-against-

M-5245

Index. No. 101247/17

Guttenberg NJ Police, Christ Hospital,
and Hudson County Prosecutor's Office,
Defendants-Respondents.

-----x

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeals taken from orders of the Supreme Court, New York County, entered on or about June 22, 2018 and or about May 4, 2018, and for leave to have the appeals heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is deemed one for renewal of plaintiff's prior motion (M-3396), seeking the same relief, and 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Freedom Specialty Insurance Company,
et al.,
Plaintiffs,

Atlantic Specialty Insurance Company,
Plaintiff-Appellant,

M-5285
Index No. 652505/17

-against-

Platinum Management (NY), LLC,
et al.,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the notice of withdrawal of appeal, submitted by counsel for plaintiff-appellant, dated October 24, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid notice of withdrawal.

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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Tax Equity Now NY, LLC,

Plaintiff,

M-5313

Index No. 153759/17

-against-

City of New York, New York City
Department of Finance, State of New
York, and New York Office of Real
Property Tax Services,

Defendants.

-----X

An appeal having been taken by certain members of the New York City Council, from an order of the Supreme Court, New York County, entered on or about February 7, 2018, which denied their motion for leave to file a proposed amicus curiae brief supporting plaintiff,

Now, upon reading and filing the "Notice to County Clerk withdrawing the Notice of Appeal" submitted by counsel for the proposed amici curiae, dated October 5, 2018, and due deliberation having been had thereon,

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

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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Board of Managers of the
Soundings Condominium,
Plaintiff-Appellant,

-against-

M-5324
Index No. 153150/14

Sonja Foerster,
Defendant-Respondent.

-----X
Sonja Foerster,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 595136/14

Colleen Moran, et al.,
Third-Party Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 18, 2017,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated October 10, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence (see, 22 NYCRR 1250.2[b][1]).

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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Dara Singh,
Plaintiff,

-against-

Dormitory Authority of the
State of New York,
Defendant.

M-5325

Index No. 154287/15

-----X
Dormitory Authority of the
State of New York,
Third-Party Plaintiff-Respondent,

-against-

Charan Electrical Enterprises, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 13, 2018,

Now, upon reading and filing the correspondence of counsel for third-party defendant-appellant, dated October 16, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Capital One Equipment Finance Corp.,
Plaintiff-Respondent,

-against-

M-5346X
Index No. 651153/17

Alan Zubli, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 11, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 23, 2018, 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In Re: Handy & Harmon Ltd. M-5375X
Stockholder Litigation Index No. 654747/17

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 30, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Janelle Duncan,
Plaintiff-Respondent,

-against-

M-5376X
Index No. 300896/17

Maureen A. Nash,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 2, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2018, 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Steven Ivkovic,

Plaintiff-Respondent,

-against-

M-5377X

Index No. 300782/16

Rian Thompson and Lennox Thompson,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 25, 2018, 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Charles Wong and Peggy Suk Wong,
Plaintiffs-Appellants-Respondents,

-against-

M-5379X

Index No. 152338/13

Morgan Stanley & Co., LLC, Morgan Stanley & Co., Incorporated, Security Services & Technologies, Inc., and ADT Security Services, Inc.,
Defendants-Respondents-Appellants.

- - - - -

Morgan Stanley & Co., LLC, Morgan Stanley & Co., Incorporated,
Third-Party Plaintiffs-Appellants-Respondents,

-against-

Allan Briteway Electrical Contractors, Inc.,
Third-Party Defendant-Respondent-Appellant.

-----X

An appeal having been taken by plaintiffs from an order of the Supreme Court, New York County entered on or about April 2, 2018 to the extent it denied their cross motion for summary judgment on their Labor Law §§ 240(1) and 241(6) claims,

And an appeal having been taken by defendants/third-party plaintiffs Morgan Stanley & Co., LLC, and Morgan Stanley & Co., Incorporated from the same order to the extent it denied their motion to dismiss plaintiffs' Labor Law §§ 240(1), 241(6), 200 and common law negligence claims, and for summary judgment on their third-party claims for contractual indemnification and breach of contract,

And an appeal having been taken by third-party defendant Allan Briteway Electrical Contractors, Inc. from the same order to the extent as it failed to dismiss the Labor Law §§ 240(1) and 241(6) claims in the main action and the contractual indemnification claim in the third-party action,

And an appeal having been taken by defendant Tyco Integrated Security, LLC formerly known as ADT Security Services, Inc., as successor-in-interest to Security Services Technologies, Inc., from an order of the Supreme Court, New York County entered on or about April 30, 2018 to the extent it denied its motion to dismiss the Labor Law §§ 240(1) and 241(6) claims,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" on October 26, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-5396
Ind. No. 3026/16

Ricardo Lewis,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated October 27, 2018, 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-5397
Ind. No. 3819/16

Woodrow Flemming,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated October 23, 2018, 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Tower Insurance Group, as Subrogee of
532 39th Realty LLC,
Plaintiff-Respondent,

-against-

M-5420

Index No. 150281/11

Pane Stone Construction, Inc.,
Defendant-Appellant,

LMW Engineering Group, Jieming Wong,
Shine Realty, Inc., Zhi Kuang Yu,
Shiming Tam, Shiming Tam Architect,
Heng Yong Construction, Inc., Metal
Stone Construction Inc., and John Hsu,
Defendants.

-----X

An appeal having been taken by defendant Pane Stone Construction, Inc. from an order of the Supreme Court, New York County, entered on or about March 27, 2018,

Now, upon reading and filing the correspondence of counsel for defendant-appellant, dated October 26, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter,

Presiding Justice,

Justices.

-----X

Segundo Juan Guaraca,
Plaintiff-Respondent,

M-5423

Index No. 303014/15

-against-

MHA LLC,
Defendant-Respondent,

Blatt Plumbing Inc.,
Senid Plumbing and Heating Corp,
Defendants,

Cow Bay Contracting Inc.
Defendant-Appellant,

- - - - -

Cow Bay Contracting Inc.,
Third-Party Plaintiff

Third-Party
Index No. 83709/16

-against-

D'Amico Construction, Inc., and
James River Insurance Company,
Third-Party Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 30, 2018,

Now, upon reading and filing the correspondence of the counsel for defendant-appellant, dated October 16, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
William Davis,
Plaintiff-Respondent,

-against-

M-5435X
Index No. 301806/14

Shana Turner,
Defendant-Appellant,

Nicole Adelphus,
Defendant-Respondent,

EAN Holdings, LLC,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 2, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 30, 2018, 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-5540
Ind. Nos. 783/15
941/15

Jason Brand,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 15, 2018,

Now, upon reading and filing the notice of withdrawal of appeal from defendant-appellant's counsel, dated August 2, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter, Justices.

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

-against-

M-5541
Ind. No. 783/15

DASO Development Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 15, 2018,

Now, upon reading and filing the notice of withdrawal of appeal from defendant-appellant's attorneys, dated August 2, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Guardianship Proceeding

- - - - -
Jeanette T., CONFIDENTIAL
Petitioner-Appellant-Respondent, M-4211
Docket No. G-47317-15/16A

-against-

Carlos V.,
Respondent-Respondent-Appellant,

Enid B. R.
Migdalia P.
Respondents-Respondents,

- - - - -
Dawne A. Mitchell, Esq.,
Legal Aid Society, Juvenile Rights
Division, Attorney for the Child.

-----X

Respondents-respondents Enid R. and Migdalia P., legal guardians, having moved for leave to respond, as poor persons, to the appeal taken by petitioner-appellant Jeanette T., from an order of the Family Court, New York County, entered on or about June 25, 2018, 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 the certification of Colleen Samuels, Esq., dated August 21, 2018, and due deliberation having been had thereon, it is

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, New York, 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal; (2) permitting movants to respond to

the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-5073, dated December 11, 2018, released 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Guardianship Proceeding

- - - - -
Jeanette T., **CONFIDENTIAL**
Petitioner-Appellant-Respondent, M-5073
Docket No. G-47317-15/16A

-against-

Carlos V.,
Respondents-Respondents-Appellant,

Enid B. R.
Migdalia P.
Respondents-Respondents,

- - - - -
Dawne A. Mitchell, Esq.,
Legal Aid Society, Juvenile Rights
Division, Attorney for the Child.

-----X

Petitioner-appellant mother, Jeanette T., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 25, 2018, 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 the certification of Michael T. Conroy, Esq., dated July 18, 2018, 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 No. 412, White Plains, New York 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4211, dated December 11, 2018, released simultaneously herewith).

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Guardianship Proceeding

- - - - - **CONFIDENTIAL**
Jeanette T., M-4414
Petitioner-Appellant-Respondent, Docket No. G-47317-15/16A

-against-

Carlos V.,
Respondent-Respondent-Appellant,

Enid B. R.
Migdalia P.
Respondents-Respondents,

- - - - -
Dawne A. Mitchell, Esq.,
Legal Aid Society, Juvenile Rights
Division, Attorney for the Child.

-----X

Respondents-respondents Enid R. and Migdalia P., legal guardians, having moved for leave to respond, as poor persons, to the appeal taken by respondent-appellant Carlos V., from an order of the Family Court, New York County, entered on or about June 25, 2018, 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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, New York, 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal; (2) permitting movants to respond to

the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-4863, dated December 11, 2018, released 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Guardianship Proceeding

- - - - -
Jeanette T., **CONFIDENTIAL**
Petitioner-Appellant-Respondent, M-4863
Docket No. G-47317-15/16A

-against-
Carlos V.,
Respondent-Respondent-Appellant,

Enid B. R.
Migdalia P.,
Respondents-Respondents,

- - - - -
Dawne A. Mitchell, Esq.,
Legal Aid Society, Juvenile Rights
Division, Attorney for the Child.

-----X

Respondent-respondent-appellant father, Carlos V., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 25, 2018, 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 the certification of Daniel G. Robles, Esq., dated July 18, 2018, 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, Aleza Ross, Esq., 31 Oak Street, Suite No. 26, Patchogue, New York 11772, Telephone No. 631-361-6900, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-4414, dated December 11, 2018, released simultaneously herewith).

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5100
Ind. No. 5404/16

Tyrone Murray,

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 March 20, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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. 212-402-4100, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,
-against-

M-5272
Ind. No. 846/17

Kowan Cutts,

Defendant-Appellant.

-----X

Defendant-appellant 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 February 21, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5273
Ind. No. 251/17

Albert Cruz,

Defendant-Appellant.
-----X

Defendant-appellant 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 February 8, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5275
Ind. Nos. 3817/16
4922/16

Reinaldo Cintron,

Defendant-Appellant.

-----X

Defendant-appellant 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 1, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,
-against-

M-5328
Ind. No. 4290/16

Jerry Bercy,

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 5, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. Below the line, the word "CLERK" is printed in a simple, sans-serif font.

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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5348
Ind. No. 4853/15

Milton Headley,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about January 17, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5348)

-2-

December 11, 2018

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 180 days from
the date of receipt of the complete 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.,
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5357
Ind. No. 3517/16

Phillip Jennings,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about February 7, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about February 2, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5371)

-2-

December 11, 2018

Justine M. Luongo, Esq., the Legal Aid Society, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5513
Ind. No. 3340/16

Abraham Cucuta,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about March 23, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5513)

-2-

December 11, 2018

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100 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 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Susanna 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5521
Ind. No. 2187/15

Maximilian Nunez,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about March 19, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 19, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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 180 days from the date of receipt of the complete 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 December 11, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.,
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5371
Ind. No. 5030/16

Anthony Thomas,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about February 15, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about February 15, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

(M-5371)

-2-

December 11, 2018

Justine M. Luongo, Esq., the Legal Aid Society, 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 180 days from the date of receipt of the complete 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 December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Troy K. Webber
Anil C. Singh, Justices.

-----X
Emmanuel Seventh Day Church Ministries,
Inc.,
Plaintiff-Respondent,

M-4601
M-4858
M-4959

-against-

Index No. 260535/11

Ivan C. Plummer, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, dated July 19, 2017 and entered on or about September 22, 2017, which, inter alia, found defendant Ivan C. Plummer in contempt of court, enjoined defendants and their agents and/or representatives from entering the church's premises, directed defendant's Plummer and David Harvey to deliver certain financial records, documents and property to the church's Board of Trustees, and directed Plummer to pay from his personal funds attorney's fees and sanctions in the amount of \$5,000 each,

And defendants, in separate motions (M-4601 and M-4959) having moved for an enlargement of time to perfect the aforesaid appeal,

And plaintiff having cross moved (M-4858) for an order vacating the CPLR 5519(a)(2) stay of enforcement of the aforesaid order appealed, claimed by defendants by virtue of their filing of an undertaking in the amount of \$10,000,

Now, upon reading and filing the papers with respect to the motion and cross motion, and the correspondence from the counsel for defendants, dated September 25, 2018, and due deliberation having been had thereon,

It is ordered that the motion (M-4959) by defendants-appellants for an enlargement of time to perfect the aforesaid appeal is denied. The motion by plaintiffs-respondents seeking to vacate the CPLR 5519(a)(2) stay pending appeal claimed by defendants (M-4858) is denied as academic, the appeal having been deemed dismissed pursuant to 22 NYCRR 1250.10(a) and,

It is further ordered that the motion (M-4601) is deemed withdrawn pursuant to the correspondence from defendants-appellants' counsel.

ENTERED:


CLERK

It is ordered that the motion is granted to the extent of continuing the stay and injunctive relief granted by the order this Court, entered October 4, 2018, on condition the appeal is perfected by the April 2019 Term, with no further enlargements or extension of the stay and injunctive relief to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

-----x
In the Matter of a Custody/Visitation
Proceeding Pursuant to Article 6 of
the Family Court Act.

CONFIDENTIAL

M-5600

Boris K.,
Petitioner-Respondent,

Docket No. V-49792/12
V-9893/13
V-48/13

-against-

Maria E.,
Respondent-Appellant.

Seth Kaufman, Esq.,
Attorney for the Child.

-----x
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about February 14, 2017, and said appeal having been perfected,

And retained counsel for petitioner-respondent, Richard A. Finkel, Esq., of Richard A. Finkel & Associates, PLLC, having moved to withdraw as counsel for petitioner on the appeal, and to "stay" the case for not less than 30 days so petitioner-respondent can retain new counsel,

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 retained counsel leave to withdraw as counsel for petitioner-respondent, and adjourning the appeal to the April 2019 Term. The motion is otherwise denied, without prejudice to further application before 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 December 11, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-4926
Ind. No. 1188/17

Kevin Crawford,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 2, 2018 (M-2888), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 5, 2017, and assigning Justine M. Luongo, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Justine M. Luongo, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 11, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Lionel Nesbitt,
Plaintiff-Respondent,

-against-

M-5627
Index No. 304707/13

Melrose Site D-1 Houses, Inc.,
Defendant-Appellant.

- - - - -

Melrose Site D-1 Houses, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 80436/15

Madison Security Group, Inc.,
Third-Party Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 8, 2018, and said appeal having been perfected,

And defendant/third-party plaintiff-appellant having moved for a stay of trial 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 denied.

ENTERED:


CLERK

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

SEALED
M-4888
Ind. No. 692/96

-against-

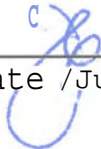
CERTIFICATE
DENYING LEAVE

Miguel Figueroa,

Defendant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for reargument of his motion for a certificate pursuant to Criminal Procedure Law Sections 450.15 and 460.15, which motion was denied by order entered May 11, 2017 (M-1664), 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 (Gilbert Hong, J.) entered on or about January 23, 2017 is hereby denied.



Associate Justice

Dated: November 15, 2018
New York, New York

ENTERED: **DEC 11 2018**