

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 July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Option One Mortgage Corporation,
Plaintiff-Respondent,

-against-

M-1882
Index No. 380916/07

Norberto Procel and Maria Liranzo,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 18, 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 granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

Respondent,
-against-

M-1953
Ind. No. 2068/15

Shakim Brunson,

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 June 2, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:



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 July 3, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-2035
Ind. No. 1947/15

Julio Infante,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 21, 2016,

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

It is ordered that the motion is granted to the extent of 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 July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Harry Goetz,
Plaintiff-Appellant,

-against-

Neville White and Carol White,
Defendants-Respondents.

CONFIDENTIAL

M-2094

Index No. 570414/17

-----X

Plaintiff-appellant, pro se, having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about January 16, 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.

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 July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Christopher Lotas,
Plaintiff-Appellant,

-against-

David Lenes,
Defendant-Respondent.

Surrogate's Court
M-2194
File No. 2014/3676

-----X

Defendant-respondent having moved for dismissal of the appeal taken from a decree of the Surrogate's Court, New York County, entered on or about May 17, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Cheryl Williams-Murray and Michael
Murray,
Plaintiffs-Appellants,

-against-

M-1053

Index No. 301090/17

675 Walton Avenue, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 17, 2018,

And plaintiff-appellant, Cheryle Williams-Murray, having moved pro se to stay the sale of the shares associated with the subject apartment, and the order appealed from, and for leave to prosecute the appeal as a poor person,

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

It is ordered that the motion is granted to the extent of continuing the interim stay granted by order of a Justice of this Court, dated February 27, 2018, as a full bench stay, on condition plaintiff movant perfects the appeal on or before September 4, 2018 for the November 2018 Term, and on further condition that plaintiff remains in compliance with the provisions of the interim stay, and it is further

Ordered that so much of the motion which seeks poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief

(M-1053)

-2-

July 3, 2018

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. Plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-2185
Ind. No. 2673/16

Hubert Cary,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 5, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Barbara R. Kapnick
Peter H. Moulton, Justices.

-----X
International Brain Research Foundation,
Inc.,

Plaintiff-Appellant,

CONFIDENTIAL

M-1297

-against-

Index No. 159685/13

John A. Cavalier, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reconsideration/
vacatur of, or in the alternative, for leave to appeal to the
Court of Appeals, from the decision and order of this Court,
entered on February 8, 2018 (Appeal No. 5650),

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 in its entirety.

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 July 3, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Peter Arnold, et al.,
Plaintiffs-Respondents, M-1456
-against- M-1680
M-1684
Index No. 158541/13
4-6 Bleeker Street, LLC,
Defendant-Appellant,
316 Bowery Realty Corp., et al.,
Defendants-Appellants.
-----X

Consolidated appeals having been taken to this Court by defendants-appellants 316 Bowery Realty Corp., et al., from orders of the Supreme Court, New York County, entered on or about October 21, 2015, as amended by an order entered on or about November 18, 2015, September 22, 2016, June 1, 2017 and June 13, 2017, and said appeals having been perfected. By amended notice of appeal dated March 19, 2018, defendant 316 Bowery Realty Corp. appeals from an order, same Court and Justice, dated October 14, 2015 and entered on or about January 13, 2016,

And defendant-appellant 4-6 Bleeker Street, LLC having appealed to this Court from the order of the Supreme Court, New York County, entered on or about June 1, 2017,

And defendants-appellants 316 Bowery Realty Corp., et al. having moved for an order treating the 316 Bowery Realty Corp. defendant's notice of appeal, dated November 23, 2015, as a valid notice of appeal from the order dated October 14, 2015, in the amended form as attached to the moving papers, or in the alternative, to deem the appeal from the October 14, 2015 order as subsumed by the subsequent appeals, and for leave to file a supplemental record to include the motion papers submitted in connection with the October 14, 2015 order (M-1456),

And plaintiffs-respondents having cross moved, by separate motions, to dismiss defendants-appellants appeal to the extent they seek to appeal the order dated October 14, 2015 and entered on or about January 13, 2016, and should plaintiffs' cross motions be denied, for an extension of time to file a respondents' briefs (M-1680/M-1684),

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

It is ordered that the motion by defendants-appellants is denied in its entirety (M-1456). The cross-motions are granted to the extent of dismissing, as untimely, the appeal taken by defendant 316 Bowery Realty Corp. from the order dated October 14, 2015 and entered January 13, 2016 and deeming Point I of the brief for defendants-appellants stricken. Plaintiffs-respondents are granted leave to file responsive briefs pertaining to the remaining appeals, on or before August 8, 2018, for the September 2018 Term (M-1680/M-1684). Defendants-appellants are granted leave to file a supplemental reply brief addressing the response briefs of plaintiffs, on or before August 17, 2018, for said Term.

Furthermore, this order does not resolve the issues raised in the appeals of the order denying reargument and renewal, and the order granting amendment of the complaint, including whether those appeals bring up for review the decision and order, dated October 14, 2015, and entered January 13, 2016. These issues are respectfully referred to the Appeals Bench for further consideration.

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 July 3, 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-2344
Ind. No. 2095/16

Glen Avery,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 1, 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 July 3, 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-2346
Ind. No. 4214/16

Randy Ortiz,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 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 July 3, 2018.

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

-----X
Deidre O'Sullivan,
Plaintiff-Respondent,

-against-

M-2347X
Index No. 316280/11

Kieran Bourke,
Defendant-Appellant.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 July 3, 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 Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

- - - - -
Charles R.,
Petitioner-Appellant,

CONFIDENTIAL
M-1896
Docket Nos. V-11916/17
V-15094-10/17A

-against-

Diana E.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about December 18, 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, Bruce A. Young, Esq., 100 Church Street, Suite 800, New York, NY 10007, Telephone No. 646-775-8994, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 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 Paternity
Proceeding Under Article 5 of
the Family Court Act.

- - - - -
Christopher L.,
Petitioner-Appellant,

CONFIDENTIAL
M-1907
Docket No. P-48723/15

-against-

Jennifer N. and Edwin A.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about April 2, 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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, NY 11753, Telephone No. 603-313-1951, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 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

Jamouri D.,

CONFIDENTIAL
M-2348

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

Docket No. NA-10790/17

Commissioner of the Administration for Children's Services of the City of New York,
Petitioner-Appellant,

Jasmine P.,
Respondent-Respondent.

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

-----X
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about July 10, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated April 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 July 3, 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-2158
Ind. No. 5061/13

Jose Arias,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 20, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 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,

Confidential

M-2186

-against-

Ind. No. 3100/11

Ramon Rosario,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Greenberg, J.), entered on or about September 29, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

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

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

-against-

M-398
Ind. No. 4281/11

Larry McLean,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 18, 2016 (Appeal No. 1927), unanimously affirming a judgment of the Supreme Court, New York County (Analisa Torres, J.), rendered on January 7, 2013,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:


CLERK

Court held in and for the First Judicial Department in
the County of New York on July 3, 2018.

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

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

-against-

M-5351
Ind. No. 3746/96

Richard Rodriguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on
February 13, 2003 (Appeal No. 165), unanimously affirming a
judgment of the Supreme Court, Bronx County (Ira Globerman, J.),
rendered on July 13, 1998,

And defendant-appellant having moved, in the nature of a
writ of error coram nobis, for a review of his claim of
ineffective assistance of appellate counsel, and for related
relief,

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Troy K. Webber
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----x
In the Matter of the Application of
Judith Clark,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-2749
of the Civil Practice Law and Rules Index No. 160965/17

-against-

New York State Division of Parole,
Respondent-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 27, 2018,

And petitioner-respondent having moved to vacate the automatic stay interposed by respondent-appellant or, in the alternative, granting a preference in 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 the motion is denied. Respondent-appellant is directed to perfect the appeal for the October 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 July 3, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

In the Matter of
Jesse Rosenblatt, as Administrator of,
Throgs Neck Extended Care,

Petitioner-Appellant,

Pursuant to Article 81 of the Mental Hygiene Law for the Appointment of a Guardian of the Property of

Janet Rose Difisco, also known
as Janet Rose Panarese,
also known as Rose Difrisco,

An Alleged Incapacitated Person.

-----X

Sergio Villaverde, Esq., as Guardian
of the Property of Janet Rose DiFrisco,
also know as Janet Rose Panarese,
also know as Rose Difrisco,
Plaintiff,

-against-

3464 East Tremont Holdings LLC, et al.,
Defendants.

-----X

Defendants, having moved, pursuant to CPLR 5704(a), for an order vacating the ex parte order of the Supreme Court, Bronx County, dated December 4, 2017, in which the Court declined to sign defendants' order to show cause. Defendants seek, inter alia, to have the injunctive relief sought in the order to show cause to be granted by this Court; the vacatur or modification of any injunctive relief issued by the Supreme Court; the cancellation of the Notice of Pendency filed in this matter; the appointment of the Bronx County Administrator as temporary administrator of the property; and other related relief.

Defendants also seek leave to appeal from Supreme Court's decision which declined to sign defendants' order to show cause,

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 in its entirety.

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 July 3, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

M-978
Ind. No. 4369/10

Ruben Olivares,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 19, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Judith J. Gische
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X
Louis M. Atlas,
Plaintiff-Respondent,

-against-

M-1893
Index No. 301091/06

Frances Smily,
Defendant-Appellant.
-----X

Defendant-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 March 12, 2018,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated April 24, 2018, and due deliberation having been had thereon,

It is ordered that the motion, as well as defendant's appeal from the March 12, 2018 Supreme Court order, 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 July 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-2053
Ind. No. 3140/14

Heriberto Rivera,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 8, 2016 (M-533), inter alia, assigning The Legal Aid Society as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about January 23, 2015,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 remanding the matter to the Supreme Court, New York County, to vacate the judgment of conviction and to dismiss the indictment by reason of defendant's death.

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 July 3, 2018.

Present - Hon. David Friedman,
Judith J. Gische
Peter Tom
Cynthia S. Kern
Anil C. Singh,

Justice Presiding,

Justices.

-----X
Maurice Hyde, as Administrator of the
Estate of William Boise, Deceased,
Plaintiff-Respondent,

-against-

M-2122
Index No. 152489/16

Phyllis Weitzman, a/k/a Phyllis Okolie,
individually and as a general partner of
Bow Faith Co. LLC; Bow Faith Co. LLC, a
New York limited liability company,
TIAA-CREFF, as a necessary party and
stakeholder,
Defendants,

-and-

Cyril Okolie, also known as Cy Okolie
individually,
Defendant-Appellant.

-----X

An order of this Court having been entered December 14, 2017 (M-5611), granting an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 19, 2016,

And defendant-appellant Cyril Okolie having moved for a further 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 October 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 July 3, 2018.

Present: Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
John Hon, et al.,
Plaintiffs-Respondents,

-against-

M-2727
Index No. 602236/04

Prince Development Company LLC,
et al.,
Defendants,

Wang Real Property, LLC, Roug Kang
Wang and Stella Wang,
Non-Party Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2017, and said appeal having been perfected,

And plaintiffs-respondents having moved for dismissal of the aforesaid appeal or, in the alternative, to strike the brief and appendix of non-party appellants for failure to comply with CPLR 5528 and Rule 600.10 of this Court, or in the alternative, extend the time for plaintiffs to file a respondents' brief,

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

It is ordered that the motion is denied insofar as it seeks to dismiss the appeal or, in the alternative, to strike appellants' brief and appendix, without prejudice to plaintiffs advancing arguments directly on appeal and without prejudice to the submission of a supplemental appendix, with costs, to abide the submission. The perfected appeal is adjourned to the October 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 July 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----X
In Re: NEW YORK CITY ASBESTOS LITIGATION

This Document Relates To:

Claudia DiScala, as Administrator of the Estate of Joan Robusto,
Plaintiff-Respondent, M-2807
Index Nos. 40000/88
190413/13

-against-

Charles B. Chrystal Company, Inc., et al.,
Defendants,

-and-

Whittaker Clark & Daniels, Inc.
Defendant-Appellant.

-----X
An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about August 29, 2017,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal until 30 days after the Court of Appeals decides or disposes of *Juni v A.O. Smith Water Products, Co., et al.*,

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 November 2018 Term, with leave to seek further enlargements, if necessary.

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 July 3, 2018.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Michael Licata, et al.,
Plaintiffs-Appellants-Respondents,

-against-

AB Green Gansevoort, LLC, et al.,
Defendants-Respondents-Appellants,

J.E.S. Plumbing & Heating Corp., et al.,
Defendants-Respondents.

M-1471
M-1475
M-1927

- - - - -
Orion Mechanical Systems, Inc.,
Third-Party Plaintiff-Respondent,

Index No. 112822/08

-against-

Alfa Piping Corp.,
Third-Party Defendant-Respondent,

Coastal Sheet Metal Corp.,
Third-Party Defendant.

-----X

Defendants-respondents-appellants AB Green Gansevoort, LLC, et al. (M-1471), defendant-respondent/third-party plaintiff-respondent Orion Mechanical Systems, Inc. (M-1475) and defendant-respondent J.E.S. Plumbing & Heating Corp. (M-1927) having separately moved for reargument of the decision and order of this Court, entered on February 13, 2018 (Appeal No. 3320),

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 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 July 3, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

In re Dennis W. Quirk, etc.,
Petitioner-Appellant-Respondent,

-against-

M-546
Index No. 100129/15

Hon. Jonathan Lippman, etc.,
Respondent-Respondent-Appellant.

-----X

Petitioner-appellant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 14 2017 (Appeal No. 5217),

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 July 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

-----x

Katherine Nelson,
Plaintiff-Appellant,

-against-

M-3052

Index No. 161624/14

Robert Rosenkranz,
Defendant-Respondent.

-----x

An appeal having been taken from a order of the Supreme Court, New York County, entered on or about May 31, 2016, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to file a supplemental record on appeal to include Exhibits A, B and C attached to plaintiff's affidavit in support of the motion,

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 July 3, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias, Justices.

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

Respondent,

-against-

Richard Diaz,

Defendant-Appellant.
-----X

M-2953

Ind. Nos. 3628/12
3349/12
66667C/12

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2015,

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

It is ordered that the motion is granted to the extent of deeming the 10 copies of the pro se supplemental brief submitted with the moving papers as timely filed for the September 2018 Term (Cal. No. 1295).

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 July 3, 2018.

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

-----X
The Park Union Condominium and
The Board of Managers of the
Park Union Condominium,
Plaintiffs-Respondents,

-against-

910 Union Street, LLC,
Defendant-Appellant.

M-1649
Index Nos. 650291/15
595852/15

-----X
910 Union Street, LLC,
Third-Party Plaintiff-Appellant,

-against-

Christian Baker, et al.,
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant having moved for a stay of a certain hearing on attorneys' fees pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 10, 2017, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, including the stipulations of the parties dated April 18, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

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

-----X
East 22nd Street Development LLC, for
itself and derivatively on behalf of
East 22nd St. Acquisition Holdings LLC,
Plaintiff-Respondent,

-against-

M-2095
Index No. 651473/18

FD Member LLC, a limited liability
company affiliated with Fortress
Investment Group and Dune Real Estate
Partners,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 6, 2018,

And an interim order having been entered on April 24, 2018, denying defendant a stay of the aforementioned order,

And defendant-appellant having moved, inter alia, to vacate the preliminary injunction contained in the aforesaid order of the Supreme Court, New York County, entered on or about April 6, 2018, pending its appeal,

Now, upon reading and filing the papers with respect to the motion, including the Stipulation of Discontinuance of the parties hereto, dated June 7, 2018, and due deliberation having been had thereon,

It is ordered that the motion is denied and the appeal dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Johnatan Luna, et al.,
Plaintiffs-Appellants,

-against-

Crystal Buhler,
Defendant-Respondent.

M-1947
Index No. 300269/13

-----X

Defendant-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 15, 2017,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Jericho Group, Ltd.,
Plaintiff-Respondent,

-against-

M-2126
Index No. 113274/04

Midtown Development, L.P.,
Defendant-Appellant.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 9, 2017, and said appeal having been decided by this Court on May 22, 2018 (Appeal No. 6639N),

And plaintiff-respondent having moved to amend its respondent's brief with respect to 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

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 July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Patrolmen's Benevolent Association
of the City of New York, Inc.,
Petitioner-Appellant,

-against-

Bill DeBlasio, etc., et al.,
Respondents-Respondents.

M-2522
M-2667
Index No. 150181/18

-----X

The above-named petitioner, in connection with its appeal from separate orders of the Supreme Court, New York County, entered on or about May 7, 2018, having moved for an order granting a preliminary appellate injunction, pursuant to CPLR 5518, enjoining defendants public release of video recordings made by cameras worn by its members while on duty, pending hearing and determination of the appeal (M-2522),

And proposed amici curiae Reporters Committee for Freedom of the Press; Hearst Corporation; The Associated Press, Inc.; BuzzFeed; Cable News Network, Inc; The Center for Investigative Reporter; Daily News, L.P.; Dow Jones & Co. Inc.; Gannett, Co., Inc; Gizmodo Media Group, LLC; New York Public Radio; The New York Times Co.; NYP Holdings, Inc.; and Spectrum News NYI having cross-moved to submit opposition papers to the instant motion (M-2667),

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 seeking preliminary appellate injunctive relief is granted on condition the appeal is perfected for the November 2018 Term (M-2522). The cross motion is granted to the extent of accepting the opposition papers as filed (M-2667).

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 July 3, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-1795

Ind. No. 4884/15

Darryl Mason,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Loretta Cron,
Plaintiff-Respondent,

-against-

M-1879
Index No. 114535/11

The City of New York,
Defendant-Appellant,

-and-

Consolidated Edison Company of New York, Inc., and Empire City Subway Company,
Defendants-Respondents.

-----X
(And a third-party action)
-----X

Defendant-respondent Empire City Subway Company having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 22, 2017, 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 granted and the appeal is dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 3, 2018.

Present - Hon. Dianne T. Renwick,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Barbara R. Kapnick
Marcy L. Kahn,

Justice Presiding,

Justices.

-----X
Duce Construction Corp.

Plaintiff-Appellant,

-against-

M-1881
Index No. 652019/16

Milo Real Estate Corp and John Doe #1 through John Doe #25, the last names being fictitious and unknown to plaintiff, such persons intended to be persons, corporations, or other entities, if any, having or claiming an interest in or lien upon the premises described herein,

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 June 21, 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 November 2018 Term.

ENTERED:


CLERK