

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 19, 2018.

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

-----X

The Hertz Corporation, etc.,  
Plaintiff-Respondent,

-against-

**M-2152**

**M-2286**

Acupuncture Now, P.C., et al.,  
Defendants-Appellants,

Index No. 159860/15

-and-

Electrophysiological Medical  
Diagnostic, P.C., et al.,  
Defendants.

-----X

Defendant having moved for an order deeming their appeal as timely filed and for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 15, 2017 [M-2152],

And plaintiff having cross-moved for dismissal of the aforesaid appeal as untimely and, on the additional grounds as to defendant Ksenia Pavlova, D.O., for lack of standing [M-2286],

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 defendant's motion is denied in its entirety [M-2152]. Plaintiff's cross motion is granted and the appeal is dismissed [M-2286].

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 19, 2018.

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

-----x

The People of the State of New York,

Respondent,

-against-

M-2173

Ind. No. 2882/01

Roni Smith,

Defendant-Appellant.

-----x

An order of this Court having been entered on April 24, 2018 (M-1315), *inter alia*, assigning the Office of Appellate Defender as counsel for defendant-appellant, for purposes of prosecuting the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 2, 2002, and for related relief,

And respondent having moved for an order dismissing defendant-appellant's aforesaid appeal for failure to timely perfect,

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

It is ordered that the motion is denied.

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 19, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
Ginarte, O'Dwyer, Gonzalez, Gallardo  
& Winograd, LLP,  
Plaintiff-Respondent-Appellant,

-against-

M-2121  
M-2157  
M-2165  
Index No. 158422/12

The Law Offices of Rex E. Zachofsky, PLLC  
and Rex E. Zachofsky, Individually,  
Defendants-Appellants-Respondents.

-----X  
Defendants-appellants-respondents having moved for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about July 10, 2017 (M-2121),

And plaintiff-respondent-appellant having moved (M-2165/Mot. Seq. No. 005) and cross-moved (M-2157/Mot. Seq. No. 006) for an enlargement of time to perfect their appeal and cross appeal,

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

It is ordered that defendants' motion is granted to the extent of enlarging the time to perfect their appeal from the order entered on or about July 10, 2017 to the November 2018 Term (M-2121). The plaintiff's cross motion and motion are granted to the extent of enlarging the time to perfect the cross appeal from the order entered on or about July 10, 2017 (Mot. Seq. No. 005) and enlarging the time to perfect the appeal from the order entered on or about July 10, 2017 (Mot. Seq. No. 006) to the November 2018 Term. The parties are directed to comply with Rule 600.11(d) of this Court, and the Clerk is directed to calendar all of the foregoing appeals to be heard together on the same date of the November 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 19, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
Gary Scholl,  
Plaintiff-Appellant,

-against-

M-2148  
Index No. 156748/16

Access Industries, Inc., Kerzner  
International New York, Inc. and  
Christopher Cox,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the consolidated appeals taken from three orders of the Supreme Court, New York County, all entered on or about January 27, 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 granted and the appeals are 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 19, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
In the Matter of the Application of  
Andy King 2013, Andy King and William  
Rivera,  
Petitioners-Appellants,

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

M-2299  
Index No. 260147/16

-against-

The New York City Campaign Finance  
Board,  
Respondent-Respondent.

-----X  
An Article 78 proceeding to review a determination of  
respondent having been transferred to this Court, pursuant to  
CPLR 7804(g), by order of the Supreme Court, Bronx County,  
entered on or about March 17, 2017,

And respondent having moved for dismissal of the proceeding  
for failure to timely prosecute,

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

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 19, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**CONFIDENTIAL**

M-2408

Ind. No. 2068/16

Shykeim Terry,  
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, Bronx County, rendered on or about September 12, 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, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
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 19, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Cynthia S. Kern, Justices.

-----x  
Scott Halfacre,  
Plaintiff-Respondent,

-against-

M-2416  
Index No. 307969/09

JMK General Contractors, Inc., et al.,  
Defendants-Respondents,

-and-

Bronx-Lebanon Hospital Center,  
Defendant-Appellant.

- - - - -  
[And a third-party action.]

-----x  
  
Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 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 December 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 19, 2018.

Present: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Cesar Perez,  
Plaintiff-Respondent,

-against-

Mocal Enterprises, Inc.,  
Defendant-Appellant,

M-2535  
Index No. 161850/13

Masterpiece U.S., Inc.,  
Defendant-Appellant,

Powers Bridging & Scaffolding, Inc.,  
Defendant.

-----X

Mocal Enterprises, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Deniem Group, Inc.,  
Third-Party Defendant.

-----X

Separate appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 28, 2017, and said appeals having been perfected,

And defendant/third-party plaintiff-appellant, Mocal Enterprises, Inc., having moved to stay all trial court proceedings pending hearing and determination of the aforesaid perfected appeals,

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

(M-2535)

-2-

July 19, 2018

It is ordered that the motion is granted. The Clerk is directed to maintain said appeals on this Court's calendar for the September 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 19, 2018.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

Project Cricket Acquisition, Inc.,  
Plaintiff-Respondent,

-against-

**M-2224**

Index No. 652524/15

FCP Investors VI, L.P., et al.,  
Defendants-Appellants,

Florida Capital Partners, Inc.,  
et al.,  
Defendants.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 27, 2018 (Appeal No. 6104),

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 19, 2018.

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

-----X  
Frances Peters,  
Plaintiff-Appellant,

-against-

M-2800  
Index No. 600456/04

George Peters, et al.,  
Defendants.  
- - - - -

Anderson Kill P.C.,  
Non-Party Respondent.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 29, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 19, 2018.

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

-----X  
Cynthia Vasquez,  
Plaintiff-Respondent,

-against-

**M-2829X**  
Index No. 303185/12

Dormitory Authority of the State  
of New York, et al.,  
Defendants,

Fourmen Construction Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 21, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 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 19, 2018.

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

-----X  
Dmitri Shemkover,  
Plaintiff-Respondent,

-against-

City of New York,  
Defendant,

New York City Housing Authority,  
Defendant-Appellant.  
-----X

**M-2830X**

Index No. 157266/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 5, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 24, 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 19, 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-2582

-against-

Ind. No. 1665/13

Edward Leonide,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Obus, J.), entered on or about April 27, 2018, 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 Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 19, 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-2610

-against-

Ind. No. 1673/04

Jahmal Faux,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Conviser, J.), entered on or about March 9, 2018, 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 Conviser as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 19, 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-

**SEALED**  
M-2693  
Ind. No. 726/13

Emanuel B.,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about May 1, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 24, 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 19, 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,

Appellant,

-against-

M-2702  
Ind. No. 3112/13

Fidel Vega,

Defendant-Respondent.  
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about June 15, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 16, 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 19, 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,

**CONFIDENTIAL**

M-2550

-against-

Ind. No. 2493/10

Dameon Harris,  
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 (Clancy, J.), entered on or about April 12, 2018, 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 Clancy as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 19, 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-1425  
Ind. No. 6140/07

Loren Mackie,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 13, 2012, (Appeal No. 7058), unanimously affirming a judgment of the Supreme Court, New York County (Ronald Zweibel, J.), rendered on June 22, 2009, (see *People v Mackie*, 93 AD3d 477 [2012]),

And defendant-appellant's application for leave to appeal to the Court of Appeals having been denied by that Court on July 30, 2012, (see *People v Mackie*, 19 NY3d 975 [2012]),

And an order of this Court having been entered on January 29, 2015 (M-4316) denying defendant's prior application for coram nobis relief,

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 19, 2018.

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

-----X  
Margaret Hospedales,  
Plaintiff-Appellant,

Anthony Hospedales,  
Plaintiff,

**M-2284**

Index No. 20073/14E

-against-

Montefiore Medical Center,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeals taken from an order of the Supreme Court, Bronx County, entered on or about May 25, 2017 and from a judgment of said Court, 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 appeals are 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 19, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Troy K. Webber  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----X

John Barnwell, Administrator of the Estate of Quanisha Wright, deceased, John Barnwell, individually, Dessaray Wright, individually, Andrea Wiggins, as Administrator of the Estate of Marvin Ellis Wiggins, III, deceased, Andrea Wiggins, individually, Marvin Ellis Wiggins, individually, and Latisha Eleazer, Plaintiffs-Respondents,

**M-2222**  
Index No. 302157/12

-against-

Weeks Avenue Housing Development Fund Corporation, Belmont-Arthur Avenue Local Development Corporation and CJC Management Co., Inc., individually, and doing business as CJC Management Company, Inc., Third Third-Party Plaintiffs-Appellants.

-----X

(And third-party and second third-party actions)

-----X

Weeks Avenue Housing Development Fund Corporation, Belmont-Arthur Avenue Local Development Corporation and CJC Management Co., Inc., individually, and doing business as CJC Management Company, Inc., Defendants-Appellants,

Third Third-Party  
Index No. 83973/14

-against-

C&M Restoration Corporation,  
Third Third-Party Defendant-Respondent.

-----X

Third third-party defendant-respondent, C&M Restoration Corporation, having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about May 11, 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 19, 2018.

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

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

-against-

Jorge Garcia,  
Defendant-Appellant.

M-2443  
Ind. Nos. 4139N/11  
3560N/15

-----X

An order of this Court having been entered on April 10, 2018 (M-818), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 17, 2016, under Indictment No. 4139N/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include an appeal from a judgment of the same Court, also rendered on or about May 17, 2016 under Indictment No. 3560N/15; to deem the notice of appeal as timely filed; and for an enlargement of time in which to perfect the appeals,

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

It is ordered that said motion is granted to the extent of amending the April 10, 2018 order of assignment to include both Indictment Nos. 4139N/11 and 3560N/15, and extending the poor person relief previously granted to cover same,

And it is furthered ordered that the time within which to perfect the aforementioned appeals is enlarged to the November 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 19, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Troy K. Webber  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

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

-against-

**M-2606**

Ind. No. 1886/12

Jamel Santiago,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 11, 2014,

And defendant having moved for an order continuing the stay of execution of sentence and the granting of bail pending appeal, which was originally granted by order of a Justice of this Court, on December 14, 2014, and reinstated by order of this Court, on July 14, 2015, as corrected by order dated April 5, 2018 (M-1607/ M-1717), pending determination 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 granted to the extent of enlarging defendant's time to perfect his appeal to the December 2018 Term of this Court and extending the previously granted stay of execution of sentence and \$5,000 bail, reinstated by the order of this Court, entered July 14, 2015, as corrected on April 5, 2018, upon the original terms and conditions and on further condition that appellant perfect the appeal for the December 2018 Term of this 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 July 19, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Ellen Gesmer  
Cynthia S. Kern,  
Anil C. Singh, Justices.

-----X

Home Equity Mortgage Trust Series 2006-5,  
Plaintiff-Appellant,

-against-

DLJ Mortgage Capital, et al.,  
Defendants-Respondents.

-----X

**SEALED**

M-2376

Index No. 653787/12

Plaintiff-appellant having moved for reargument and/or clarification of the decision and order of this Court, entered on April 3, 2018 (Appeal No. 6188N), unanimously affirming an order of the Supreme Court, New York County, (Saliann Scarpulla, J.) entered on September 28, 2017,

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

It is ordered that the motion for reargument and/or clarification 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 19, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
In re Dennis Stavropoulos,

Petitioner-Appellant,

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

M-1203  
Index No.100269/14

-against-

William J. Bratton, etc., et al.,

Respondents-Respondents.  
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on or about March 9, 2017 (Appeal No. 1337),

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 19, 2018.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

In re James Pettus, et al.,  
Petitioners-Appellants,

-against-

Board of Directors, et al.,  
Respondents-Respondents.

-----X

**M-2223**

**M-2629**

Index No. 250720/15

Petitioners-appellants having moved for reargument of the decision and order of this Court, entered on April 19, 2018 (Appeal No. 6311) [M-2223],

And respondents having cross-moved for an order enjoining petitioners from any further "vexatious litigation" against respondents, and for certain attorneys' fees [M-2629],

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 petitioners' motion is denied [M-2223]. Respondents' cross motion is granted to the extent of enforcing the vexatious litigation order of the Supreme Court, New York County, entered on or about June 16, 2015; respondents' request for attorneys' fees and costs 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 19, 2018.

Present: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Selnick Harwood Consulting Engineers,  
P.C.,

Plaintiff-Respondent,

**M-2604**

Index No. 100332/12

-against-

Atlantic Development Group, LLC,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 19, 2018 (Appeal No. 6308),

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 19, 2018.

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

-----x  
Travis Angus, as Administrator of the  
Estate of Gloria Angus,

Plaintiff-Appellant,

-against-

Eric J. Bergson, M.D., et al.,

Defendants-Respondents.  
-----x

M-2039  
Index No. 23202/12E

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 15, 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 19, 2018.

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

Justice Presiding,  
  
  
  
Justices.

-----x

Buenaventura Tejada,

Plaintiff-Appellant,

-against-

Carly Auto Corp., et al.,

Defendants-Respondents.

-----x

M-2078  
Index No. 23039/15E

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 26, 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 19, 2018.

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

Justice Presiding,  
  
  
  
Justices.

-----x  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.  
-----

Chrystie O.,  
Petitioner-Respondent,

-against-

Jacek C.,  
Respondent-Appellant.  
-----x

**CONFIDENTIAL**

M-2178  
Docket Nos. V-37459/16  
V-32114/16

The subject child having moved for dismissal of the appeal from the final order of the Family Court,, New York County, entered on or about July 6, 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 19, 2018.

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

-----x

Ismael Rivera,

Plaintiff-Appellant,

-against-

M-2198

Index No. 300631/14

Lamini Jacktey, et al.,

Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 1, 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 19, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Cynthia S. Kern, Justices.

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

-against-

Carl Fraser,  
Defendant-Appellant.

**Confidential**

M-1766  
Ind. No. 2652/10

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on March 6, 2018 (Appeal Nos. 5894-5895), which unanimously affirmed the judgment of the Supreme Court, New York County, rendered on February 22, 2013,

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

It is ordered that the motion is 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 19, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Barbara R. Kapnick  
Troy K. Webber  
Peter H. Moulton, Justices.

-----X  
U.S. Bank National Association, as  
Trustee for the Structured Asset  
Investment Loan Trust, 2006-BNC2,  
Plaintiff-Respondent,

-against-

M-886  
Index No. 20428/06

Nancy Thompson,  
Defendant-Appellant,

Lagoon Estates Condominium, et al.,  
Defendants.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 16, 2018 (Appeal Nos. 5465-5465A),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and upon reargument, the decision and order of this Court entered on January 16, 2018 (Appeal Nos. 5465-5465A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 5465-5465A, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 19, 2018.

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

-----X  
Barry Fox, et al.,

Plaintiffs-Appellants-Respondents,

-against-

12 East 88th LLC, et al.,  
Defendants-Respondents-Appellants.

-----X

**Confidential**

M-2034

Index No. 154841/14

Plaintiffs-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 3, 2018 (Appeal No. 5200),

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 19, 2018.

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

-----x  
Angella Mitchell,

Plaintiff-Respondent,

-against-

M-2945  
Index No. 21468/15

Dania Davidson, et al.,

Defendants-Appellants.  
-----x

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

And defendants-appellants 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 granted to the extent of continuing the interim stay granted by the order of a Justice of this Court on June 7, 2018, and said stay is to remain in effect pending hearing and determination of the 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 19, 2018.

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

-----x

In the Matter of the Application of  
Intrepid Investments, LLC,  
Petitioner-Judgment Debtor-  
Appellant,

M-3029  
Index No. 650705/14

-against-

Selling Source, LLC,  
Respondent-Judgment Creditor-  
Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 22, 2018,

And petitioner-judgment debtor-appellant having moved for a stay of the order which required petitioner to comply with respondent's post-judgment subpoenas, 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

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 19, 2018.

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

-----X

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

**CONFIDENTIAL**  
M-3057

- - - - -  
Linda D.,  
Petitioner-Respondent,

-against-

Docket No. F-37206-15/15A-B

Theo C.,  
Respondent-Appellant.

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

- - - - -  
Theo C.,  
Petitioner-Appellant,

Docket No. F-37206-15/15C

-against-

Linda D.,  
Respondent-Respondent.

-----X

Petitioner/respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about September 1, 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,

July 19, 2018

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent/petitioner-appellant and 8 copies thereof are filed with this 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 July 19, 2018.

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

-----X  
The European Fine Art Foundation,  
TEFAF New York LLC, and TEFAF USA, Inc.,  
Plaintiffs/Counterclaim  
Defendants/Respondents,

**M-3102**  
Index No. 651341/18

-against-

Artvest Partners LLC,  
Defendant/Counterclaim Plaintiff  
Appellant,

-against-

Tefaf USA, Inc.,  
Counterclaim Defendant/Respondent.

-----X

Defendant Artvest Partners LLC having moved, pursuant to CPLR 5518, for an appellate injunction and appeals from an order of the Supreme Court, New York County, entered on or about May 30, 2018, which denied its motion for a preliminary injunction,

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 19, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x  
Daniel Collin, et al.,  
Plaintiffs-Respondents,

-against-

Park Right Corporation, M-2265  
Defendant, Index No. 158134/15

-and-

415 PR LLC,  
Defendant-Appellant.

-----x  
An order of this Court having been entered on March 29, 2018 (M-414), dismissing the appeal taken from the order and judgment of the Supreme Court, New York County, entered on or about December 5, 2016,

And defendant-appellant having moved for reargument of the order entered on March 29, 2018 dismissing the appeal and, upon reargument, vacating the dismissal order, or, alternatively, for leave to appeal the dismissal order to the Court of Appeals,

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

It is ordered that the motion is denied 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 19, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

Derek Conlon, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-2356  
Index No. 24165/13E

The Carnegie Hall Society, Inc., et al.,  
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 29, 2018 (Appeal No. 6150),

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 19, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Peter Tom  
Angela M. Mazzarelli  
Jeffrey K. Oing, Justices.

-----X  
Mark Coles,  
Plaintiff-Appellant,

-against-

Tracey Towers Associates, M-1692  
LP. et al., Index No. 309123/08  
Defendants-Respondents,

I.B. Security Conscious, Inc.,  
et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 1, 2018 (Appeal No. 5876),

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 19, 2018.

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

-----x  
U.S. Bank National Association, as  
Trustee for GSR Mortgage Loan Trust  
2007-1F, etc.,  
Plaintiff-Respondent

-against-

M-2146  
Index No. 850041/15

Aaron H. Fuchs, et al.,  
Defendants-Appellants,

-and-

New York City Parking Violations  
Bureau, et al.,  
Defendants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 7, 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 19, 2018.

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

-----x  
In the Matter of the Application of  
Luiz Galarza,  
                  Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-2188  
Index No. 101487/17

-against-

New York City Housing Authority,  
                  Respondent-Respondent.  
-----x

Respondent-respondent having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 2018, 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 19, 2018.

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

-----X

The Carlyle, LLC,  
Petitioner-Landlord-Respondent/  
Appellant,

-against-

**M-2256**

Index No.570425/17  
Civil Court  
Index No. 79135/13

Quik Park Beekman II, LLC,  
Respondent-Tenant-Appellant/  
Respondent,

Quik Park Beekman LLC & Beekman  
Garage LLC,  
Respondents-Undertenants-  
Respondents,

Quik Park 1633 Garage LLC,  
Respondent-Undertenant-  
Appellant-Respondent,

"XYZ Corp.," "ABC Corp.,"  
"John Doe" & "Jane Doe,"  
Respondents-Undertenants.

-----X

Respondent-undertenant-appellant-respondent, Quik Park 1633 Garage LLC, 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 April 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 19, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Richard T. Andrias  
Troy K. Webber, Justices.

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

-against-

**M-2124**  
Ind. Nos. 1491N/04  
1023/04

Androsfky Adames,  
Defendant-Appellant.

-----X

An appeal having been taken from judgments of the Supreme Court, New York County, rendered on December 6, 2013,

And a decision and order of this Court having been entered on February 23, 2017 (Appeal Nos. 3208-3209), unanimously holding the matter in abeyance and remitting the same for further proceedings in Supreme Court,

And defendant having moved, pro se, for an order relieving Robert S. Dean, Esq., Center for Appellate Litigation, as counsel for defendant, assigning new counsel, and granting defendant poor person 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, to the extent it seeks to relieve The Center for Appellate Litigation, as counsel for defendant, is granted. So much of the motion which seeks the assignment of new counsel and poor person relief 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 19, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In re Free Market Environmental Law  
Clinic, et al.,  
Petitioners-Appellants,  
  
-against-  
The Attorney General of New York,  
Respondent-Respondent.  
-----X

M-2040  
Index No. 101759/16

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 8, 2018 (Appeal No. 5927),

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 19, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
In the Matter of a Visitation  
Proceeding Under Article 6 of the  
Family Court Act.

- - - - -  
Corinne Frances B.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
**M-2167**

Docket No. V-10349/17

-against-

Antwan M.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from an order of the Family Court, New York County, entered on or about March 7, 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 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 July 19, 2018.

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

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

-against-

M-2469  
Index No. 310439/14

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

Plaintiff-appellant having moved for dismissal of the appeals taken from orders of the Supreme Court, New York County, entered on or about January 22, 2018 and March 5, 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 granted and the appeals are 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 19, 2018.

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

-----X  
1735 University Avenue Associates LLC,

Plaintiff-Appellant,

-against-

Andrews Development Corp.,

Defendant-Respondent.  
-----X

**M-1496**  
**M-2072**  
Index No. 6610/07

Appeals having been taken from a judgment of the Supreme Court, Bronx County, entered on or about July 9, 2015, and from the "So Ordered" trial transcripts of the same Court, entered on or about April 15, 2016,

And plaintiff-appellant having moved for an order deeming plaintiff's appeals as timely filed or, in the alternative, if this Court determines that the time to perfect the appeal runs from plaintiff's July 24, 2015 notice of appeal, to enlarge the time to perfect the appeal (M-1496),

And defendant-respondent having cross-moved to deem the appeal as taken from the judgment entered on July 9, 2015 and, accordingly, to dismiss the appeal for failure to timely prosecute (M-2072),

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



It is ordered that the motion is denied insofar as it seeks to deem the appeal as taken from the "So-Ordered" transcripts and insofar as it seeks an enlargement of time to perfect the appeal from the July 9, 2015 judgment (M-1496). The cross motion is granted to the extent of dismissing both of the aforesaid appeals (M-2072).

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 19, 2018.

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

-----x  
Jaime Rumaldo Segura,

Plaintiff-Appellant,

-against-

50 Carmine Street, LLC., et al.,

Defendants-Respondents.  
-----x

M-1950  
Index No. 306451/14

Defendant-respondent 50 Carmine Street, LLC. having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 12, 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 19, 2018.

Present - Hon. Dianne T. Renwick,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh,

Justice Presiding,  
  
  
  
Justices.

-----X  
Reinaldo Rodriguez, as Voluntary  
Administrator of the Estate of  
Eneida Rodriguez, deceased,

Plaintiff-Appellant,

-against-

River Valley Care Center, Inc. and  
Gracie Square Hospital,

Defendants-Respondents.  
-----X

M-2385  
Index No. 27889/16E

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 July 28, 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 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 19, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

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

-against-

M-2391  
SCI No. 640N/18

Ervin Ashe,  
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 March 26, 2018, 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.

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 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 19, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
Country-Wide Ins. Co., Country-Wide  
Insurance Company, doing business as,  
Country-Wide Management Services,

Plaintiffs-Respondents,

-against-

Power Supply, Inc.,

Defendant-Appellant.  
-----X

M-2410  
Index No. 106110/11

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 31, 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

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 19, 2018.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2414  
Ind. No. 5434/13

Kathy Steven,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 29, 2015 (M-3435), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 26, 2014, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the the aforementioned order of assignment to include the judgment of **resentence** of said Court rendered on or about May 1, 2018 under the same Indictment No.,

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

It is ordered that said motion is granted to the extent of amending the order of assignment to include the judgment of **resentence** of said Court, rendered on or about May 1, 2018, under New York County Ind. No. 5434/13, and extending the poor person relief previously granted to cover same.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 19, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
In the Matter of

Tariq B.,  
and Aisah Nevaeh Sadie B.,

**CONFIDENTIAL**

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

**M-2487**  
Docket Nos. NN-3240/15  
NN-3241/15

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

Danielle W.,  
Respondent,

Hakim B.,  
Respondent-Appellant.

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

-----X

An order of this Court having been entered on November 22, 2016 (M-4211) granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 29, 2016, and assigning Patricia W. Jellen, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Patricia W. Jellen, 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 to the November 2018 Term of this 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 July 19, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Richard T. Andrias  
Barbara R. Kapnick  
Anil C. Singh, Justices.

-----X  
Reliance Ambulette, Inc.,

Petitioner-Appellant

-against-

M-2452  
Index No. 160717/16

Dennis Rosen as Medicaid Inspector General of the State of New York, The State of New York Office of The Medicaid Inspector General, The New York State Department of Health, and Denise Lepicier as The Administrative Law Judge,

Respondents-Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or August 14, 2017,

And petitioner-appellant having moved for an enlargement of time to perfect the aforesaid proceeding,

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 proceeding to the November 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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----x  
Sbarro, LLC,

Plaintiff-Appellant,

-against-

M-2262  
Index No. 154554/17

Atlas Capital Group, LLC, et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 19, 2017,

And plaintiff-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the order pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, dated May 10, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzairelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X

In the Matter of the Application of

200 East 62nd Owner LLC,  
Petitioner-Respondent,

For an Order discharging and canceling  
certain Mechanic's Liens filed by

M-2421  
Index No. 160665/16

Central Interiors Inc.,  
Respondent-Appellant,

against certain units at the condominium  
building located at the premises known  
and described as 200 East 62nd Street,  
New York, New York.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about July 19, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals 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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

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

-against-

M-2444  
Ind. No. 4012N/15

Esteban Cruz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 31, 2016 (M-530), granting, *inter alia*, 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 June 11, 2015, and assigning the Office of the Appellate Defender as counsel to prosecute defendant-appellant's appeal,

And the Office of the Appellate Defender having moved for dismissal of the aforesaid appeal, as abandoned, without prejudice to reinstatement,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn, and otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
Leiren Allman-Koward,  
Petitioner-Appellant,

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

-against-

M-2499  
Index No. 101458/17

New York City Police Department,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 4, 2018, and for leave to have the appeal 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that petitioner-appellant serve respondent-respondent one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Petitioner-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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzairelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
1591 Second Avenue LLC, 1593 Second Avenue LLC, 1595-1597 Second Avenue LLC, 246 East 83 Street LLC and 248 East 83 Street LLC,

Plaintiffs-Respondents,

-against-

M-2520  
Index No. 161539/15

Metropolitan Transportation Authority  
and MTA Capital Construction Company,

Defendants-Appellants.  
-----X

Defendants-appellants 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 August 28, 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