

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 26, 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
Vernon Leshore,
Petitioner-Appellant,

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

-against-

M-2285
Index No. 340029/17

NYC Department of Correction,
Warden of North Infirmery Command,
Respondents.

-----X
Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 19, 2017, 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 appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is 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 26, 2018.

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

-----X
In the Matter of

Abigail N.,
Destiny N.,
Esther N.
and Daniel N.,

CONFIDENTIAL

M-3023

Docket Nos. NN-18420-16
NN-18419-16
NN-18418-16
NN-18417-16

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

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

Oyebuchi N.,
Ugonwa N.,
Respondents-Appellants.

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

-----X

Respondent-appellant, Ugonwa N., having moved for an enlargement of time to perfect her appeal taken from an Order of Fact-Finding and Order of Disposition of the Family Court, New York, Bronx County, entered on or about June 22, 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 in which 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 26, 2018.

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

-----X
Courtney Gibson,

Plaintiff-Appellant-Respondent,

-against-

M-3275
Index No. 304843/09

The Estate of Teddy Antiaris
and Margaret Antiaris,

Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 29, 2018,

And plaintiff having moved to stay all proceedings, including trial in Supreme Court, Bronx County, pending determination of the appeal and cross 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 staying trial pending determination of the appeal and cross appeal on condition that the parties perfect their respective appeals for 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 26, 2018.

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

-----X

MLM Assets, LLC,
Plaintiff-Respondent,

-against-

Mylene Liggett,
Defendant-Appellant,

-and-

J.J. & P. Associates Corp.,
New York State and New York City,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 16, 2018, and said appeal having been perfected,

And plaintiff-respondent having moved to dismiss defendant's appeal on the grounds that an incomplete record was filed or, in the alternative, to direct defendant to file a supplemental record on appeal including documents omitted from the original record, and to extend plaintiff's time to file an answering brief (M-3292),

And defendant-appellant having cross-moved for leave to file a supplemental record on appeal (M-3271),

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

M-3292

M-3271

Index No. 118125/09

It is ordered that plaintiff's motion to dismiss defendant's appeal and to direct defendant to file a supplemental record on appeal is denied; plaintiff's time to file a respondent's brief is extended to October 3, 2018, and the perfected appeal is adjourned to the November 2018 Term (M-3292). Defendant-appellant's cross motion to file a supplemental record on appeal is granted to the extent of directing defendant to serve and file 8 copies of a supplemental record on appeal on or before September 4, 2018 for 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 26, 2018.

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

-----X
Massachusetts Bay Transportation
Authority Retirement Fund, et al.,
Plaintiffs-Respondents,

-and-

Fletcher International, Ltd.,
Plaintiff,

-against-

Citco Fund Services (Cayman Islands),
Ltd., et al.,
Defendants-Appellants,

-and-

Citco Fund Services (Suisse)
and S.A., et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2018, and said appeal having been perfected,

And defendants-appellants having moved for this Court to take judicial notice of certain documents submitted with their moving papers (M-3194),

And plaintiffs-respondents having cross-moved to strike defendants' moving brief and to order defendants to re-file said brief without references to documents outside the record (M-3299),

M-3194
M-3299
Index No. 651446/15

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 defendants' motion is granted to the extent of taking judicial notice of the Montgomery briefs and is denied as to the bankruptcy affidavit (M-3194). Plaintiffs-respondents' cross motion is granted to the extent of deeming struck the discussion of the bankruptcy affidavit at pages 11-12, 26-27, and 37-28 of defendants' appellate brief, and is otherwise denied (M-3299).

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 26, 2018.

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

-----X
Joseph Motta,

Plaintiff-Respondent,

-against-

Jacqueline Motta,

Defendant-Appellant.

-----X

CONFIDENTIAL

M-3058

M-3059

Index No. 3360/11

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

And defendant-appellant having moved by duplicate motions (M-3058/M-3359) for an order staying enforcement of a decision and order finding her in criminal contempt of numerous court orders, but providing her with an opportunity to purge herself by a date certain,

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 26, 2018.

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

-----X

Brett Butler, et al.,

Plaintiffs-Respondents,

-against-

M-3055

Index No. 650631/15

Knights Collision Experts, Inc.,
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from three orders of the Supreme Court, New York County, entered on or about December 12, 2017, December 15, 2017, and February 8, 2018

And defendants-appellants having moved to stay an inquest 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.

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 26, 2018.

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

-----X
In the Matter of the Petition of
Rodney Brayman, et al.,
Petitioners,

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

M-3249
Index No. 152842/17

-against-

The New York State Industrial Board
of Appeals, et al.,
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 about October 10, 2017,

And petitioners having moved for an enlargement of time to perfect the proceeding,

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

It is ordered that the motion is granted to the extent of 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 26, 2018.

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

-----X

Luis M. Cabrera, etc., et al.,

Petitioners-Respondents,

-against-

M-3296
Index No. 155284/18

Suzanne O'Halloran, etc.,

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 June 27, 2018,

And respondent-appellant having moved, pursuant to CPLR 5519, for a stay of the aforesaid order which directs respondent to hold a special meeting of the unit owners of the subject condominium; and directs the Secretary of the Board of Managers to complete notice no later than 5:00 p.m. on July 3, 2018, for a special meeting to be held no later than July 14, 2018,

And an interim stay having been granted by a Justice of this Court on July 9, 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, and the order is stayed 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 26, 2018.

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

-----X
Marcio B. Membreno Gallo,

Plaintiff-Respondent,

-against-

M-3134
Index No. 21600/14E

A.W. Arciere Inc., 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 February 6, 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, and trial is stayed 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 26, 2018.

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

-----X

Dulal C. Nandi, et al.,
Plaintiffs-Respondents,

-against-

M-2787
M-3240
Index No. 304708/15

Henry T. Ramkissoon, 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 2, 2018,

And defendants-appellants having moved for a stay of the aforesaid order pending hearing and determination of the appeal taken therefrom (M-2787),

And plaintiffs-respondents having cross-moved for an order conditioning any stay on an "appropriate undertaking", the payment of use and occupancy, and for an expedited hearing of the appeal. Plaintiffs-respondents also seek the imposition of costs and attorneys fees (M-3240),

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 and cross motion 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 26, 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-2704
Ind. No. 1304/09

David Snipes,

Defendant-Respondent.
-----X

The People having appealed to this Court from orders of the Supreme Court, New York County, entered on or about March 28, 2016 and April 19, 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 26, 2018.

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

-----X
Maria Arriaga,

Plaintiff-Respondent,

-against-

M-2846X
Index No. 304369/11

The Stop & Shop Supermarket
Company LLC, et al.,

Defendants-Appellants.
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about November 1, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 22, 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 26, 2018.

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

-----X

Donald Richard Book,

Plaintiff-Respondent,

-against-

M-2849

Index No. 159082/14E

Hotel 17 Inc., Hotel 17 Inc., T/A
Hotel 17, and 17th St. Property Co.,

Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 23, 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 26, 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-2925

Ind. No. 2891/15

Francisco Ramirez,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 14, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 21, 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 26, 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

Jeremiah C.,

A Child Under Eighteen Years of Age
Alleged to be Neglected/Abused by

CONFIDENTIAL

M-2927

Docket No. NA-45414/16

Administration for Children's
Services,
Petitioner-Respondent,

Kim C.,
Respondent-Respondent.

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

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

Now, upon reading and filing the stipulation of the parties hereto, dated May 21, 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 26, 2018.

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

-----X

In Re: New York County Asbestos Litigation Index No. 40000/88

Kelly O'Connor,
Personal Representative of the
Estate of Raymond Flood, deceased,
Plaintiff-Respondent,

-against-

M-2973X
Index No. 190147/15

Anthony & Sylvan Corp., et al.,
Defendants,

-and-

Pentair Water Pool and Spa, Inc.,
Formerly known as Pentair Pool Products,
Inc., improperly named as Pentair
Aquatic Eco-Systems, Inc. and
Pentair Water Group, Inc.,
Defendant-Appellant.

Mary Murohy-Clagett, as Temporary
Administrator for the Estate of
Pietro Macaluso, Index No. 190311/15
Plaintiff,

-against-

A. O. Smith Corporation, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 23, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

CORRECTED ORDER - August 2, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 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.

Nubia C.,
Petitioner-Respondent,

-against-

CONFIDENTIAL

M-2538
Docket Nos. V-44769/16
V-44770/16
V-44771/16

Jose C.,
Respondent-Appellant.

-----X
An order of this Court having been entered on January 11, 2018 (M-6110), granting respondent-appellant leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 4, 2017, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted and Steven N. **Feinman**, Esq., is relieved as counsel. Sua sponte, the appeal is deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 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

Jazzalyn Marie J.,

A Dependent Child Under 18 Years of Age and a Child Subject to Surrender Pursuant to §383-c of the Social Services Law of the State of New York.

CONFIDENTIAL
M-2933

Docket No. AS-10332/14

Mercy First,
Petitioner-Appellant,

Krystal B.,
Respondent-Respondent.

Andrew J. Baer, Esq.,
Attorney for the Child.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about October 17, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated October 19, 2017, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2018.

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

-----X
130 West 57 Company, LLC,

Plaintiff-Respondent,

-against-

M-2986
Index No. 156224/16

Ricland, L.L.C., Arep Fifty-Seventh LLC
and ARC NY120W5701, LLC,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 15, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated May 21, 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 26, 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 the Guardianship of
the Persons and Custody of

Richie Noah V., also known as
Richie V.,

Jessica Rose M., also known as
Jessica R. M., also known as
Jessica M.,

CONFIDENTIAL

M-2324

Docket No. B-34985/14
B-40369/15

Children Under 18 Years of Age Pursuant
to §384-b of the Social Services Law of
the State of New York and/or Article 6
of the Family Court Act.

- - - - -

New York Foundling Hospital, et al.,
Petitioners-Respondents,

Stephanie M.,
Respondent-Appellant,

Ricardo V.,
Respondent-Appellant.

- - - - -

Dawne A. Mitchell, Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant, Ricardo V., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 26, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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 26, 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

Kaylin P.,
and Mason S.,

CONFIDENTIAL

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

M-3068
Docket Nos. NA-20419/15
NA-20420/15

- - - - -
Administration for Children's Services,
et al.,
Petitioners-Respondents,

Derval S.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, Bronx County, entered on or about May 3, 2018 and April 19, 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 26, 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

Derrick C.,
Nyh Lee C.,
and Sherri C.,

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

CONFIDENTIAL

M-2132

Docket Nos. NA-30607/17
NA-30606/17
NA-30605/17

- - - - -
Administration for Children's Services,
et al.,
Petitioners-Respondents,

Derrick C., Sr.,
Respondent-Appellant,

Tiffany R.,
Respondent.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 23, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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 26, 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 Family Offense Proceeding Under Article 8 of the Family Court Act.

- - - - -

Jasna Mina W.,
Petitioner-Respondent,

-against-

Waheed S.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-2326

Docket Nos. O-23277/17
O-25230/17

Respondent-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 March 30, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3)

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 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

Terrence B.,

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

CONFIDENTIAL

M-2468

Docket No. NN-02011-17

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

Terrence J. B.,
Respondent-Appellant.

-----X

Respondent-Appellant having moved for leave to prosecute, as a poor person, the appeal from two orders of the Family Court, New York County, entered on or about March 26, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with 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 26, 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

Amir A.,

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

CONFIDENTIAL

M-2778

Docket No. NA-8293-16

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

Kristyle Z.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 3, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite 410, Jericho, New York 11753, Telephone No. 516-942-4221, 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 26, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -
Michael B.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-3085
Docket Nos.
V-9221-12/16A-17G
V-13381-12/16A-17G

Latasha T.-McP.,
Respondent-Respondent.
-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from orders of the Family Court, Bronx County, entered on or about August 4, 2017 and December 13, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Hani M. Moskowitz, Esq., 225 Broadway, Suite #715, New York, NY 10007, Telephone No. (212) 227-8208, as counsel for purposes of responding to the appeal; (2) permitting movant to respond

to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. The perfected appeal is adjourned 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 26, 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

Zian Xzavion C.,
also known as Ziah C.,
also known as Ziah MCC.,
also known as Ziah McC.;
and Damani Makai Naseyre C.,
also known as Damani C.,
also known as Damani MCC.,
also known as Damani McC.,

CONFIDENTIAL
M-2744
Docket Nos. B-2451/12
B-2454/12

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

- - - - -
Saint Dominic's Home, SCO Family of Services, Commissioner of the Administration of Social Services of the City of New York,
Petitioners-Respondents,

Laurel Shavonne MCC., also known as Laurel MCC., also known as Laurel Shavonne McC., also known as Laurel McC.,
Respondent,

Kevin Ebedmelech C., also known as Kevin Ebedmelich C., also known as Kevin Ebedmelch C., also known as Kevin C.,
Respondent-Appellant.

- - - - -

 Bruce A. Young, Esq.,
 Attorney for the Child Damani C.,

Lewis S. Calderon, Esq.,
 Attorney for the Child Zaih C.

-----X

Beatrice Mayol, Esq., court attorney for the subject child Damani C., having moved on the child's behalf for leave to respond, as a poor person, to the appeals from orders of the Family Court, Bronx County, entered on or about April 1, 2016, and on or about March 15, 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 §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 responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

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 26, 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

Zian Xzavion C.,
also known as Ziah C.,
also known as Ziah MCC.,
also known as Ziah McC.;
and Damani Makai Naseyre C.,
also known as Damani C.,
also known as Damani MCC.,
also known as Damani McC.,

CONFIDENTIAL
M-2980
Docket Nos. B-2451/12
B-2454/12

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

- - - - -
Saint Dominic's Home, SCO Family of Services, Commissioner of the Administration of Social Services of the City of New York,
Petitioners-Respondents,

Laurel Shavonne MCC., also known as Laurel MCC., also known as Laurel Shavonne McC., also known as Laurel McC.,
Respondent,

Kevin Ebedmelech C., also known as Kevin Ebedmelich C., also known as Kevin Ebedmelch C., also known as Kevin C.,
Respondent-Appellant.

- - - - -

 Bruce A. Young, Esq.,
 Attorney for the Child Damani C.,

Lewis S. Calderon, Esq.,
 Attorney for the Child Ziah C.

-----X

Rina Mais, Esq., court attorney for the subject child Ziah C., having moved on the child's behalf for leave to respond, as a poor person, to the appeals from orders of the Family Court, Bronx County, entered on or about April 1, 2016, and on or about March 15, 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 §1120 of the Family Court Act, Lewis A. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

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 26, 2018.

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

-----X

Donnell Baines,

Plaintiff-Appellant,

-against-

M-2705
Index No. 401845/13

The Daily News, L.P., et al.,

Defendants-Respondents.

-----X

An appeal having been taken to this Court by plaintiff-appellant from an order of the Supreme Court, New York County, entered on or about March 29, 2018,

And plaintiff-appellant having moved for permission to perfect the appeal using the appendix method, to prosecute the appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is 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 26, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
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-2530

Ind. No. 2567/16

Leston Anderson,

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 November 23, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as 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 26, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
FCRC Modular, LLC, et al.,
Plaintiffs-Respondents,

-against-

Skanska Modular LLC, et al., M-1632
Defendants-Appellants. Index No. 652721/14

- - - - -
Skanska Modular LLC, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Forest City Ratner Companies, LLC, et al.,
Third-Party Defendants-Respondents.

- - - - -
Berlin Rosen Ltd., et al.,
Nonparty Respondents.

-----X

Defendants/third-party plaintiffs-appellants 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 1, 2018 (Appeal Nos. 5863-5864-5865),

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 26, 2018.

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

-----X
Intrepid Investments, LLC,
Plaintiff-Appellant,

NA Technology Support, LLC
Plaintiff,

-against-

Selling Source, LLC,
Defendant-Respondent,

M-2023
Index Nos. 654309/13
650705/14

Clickgen, LLC, et al.,
Defendants.

- - - - -
In re Intrepid Investments, LLC,
Petitioner-Appellant,

-against-

Selling Source, LLC,
Respondent-Respondent.

-----X

Plaintiff/petitioner-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 March 15, 2018 (Appeal Nos. 5998, 5999, 6000, 6001),

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 26, 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,

-against-

Joseph Burden,

Defendant.
-----X

CONFIDENTIAL

M-1605

Ind. No. 30026/04

Defendant, both pro se and through retained counsel, having moved for an order granting his application for a writ of error coram nobis on the grounds he was allegedly denied effective assistance of trial counsel by reason, inter alia, of trial counsel's failure to file a timely notice of appeal on defendant's behalf, pursuant to CPL 460.30, from a SORA order of the Supreme Court, Bronx County, entered on or about March 4, 2005, trial counsel's failure to argue that defendant was exempt from registering as a sex offender under Corrections Law 168-a, and for other relief,

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

It is ordered that the motion is 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 26, 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-2259
Ind. No. 4820/10

Ron Allen,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 3, 2015 (Appeal No. 14104), unanimously affirming a judgment of the Supreme Court, New York County (Richard Carruthers, J.), rendered on May 9, 2012,

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 26, 2018.

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

-----X

In the Matter of the Application of
John Givens and JDG Investigations,
Inc.,
Petitioners-Appellants,

M-2732

For a Judgment Pursuant to Article 78
of the CPLR, and Relief under 42 USC
§ 1983,

Index No. 100016/16

-against-

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

In the Matter of the Application of
JDG Investigations,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR, and Relief under 42 USC
§ 1983,

Index No. 100224/16

-against-

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

In the Matter of the Application of
JDG Investigations and John Givens,
Plaintiffs-Appellants,

-against-

Index No. 161609/15

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

-----X

Separate appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 26, 2018 and February 21, 2018,

And petitioners/plaintiffs-appellants having moved for leave to prosecute the appeals as a poor person, for consolidation of the aforesaid appeals, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for petitioners/plaintiffs-appellants, dated May 31, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 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-2418
Ind. No. 4290/15

Avoudramane Fofene,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 17, 2016 (M-3390), inter alia, granting defendant-appellant'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 June 29, 2016, and assigning the Office of the Appellate Defender as counsel therefor,

And the Office of the Appellate Defender having moved for an order to be relieved as assigned counsel or, in the alternative, to dismiss defendant-appellant's appeal without prejudice to reinstatement at such time as defendant-appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2658
Ind. No. 2857/16

James Bellamy,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal and to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 25, 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 deeming the notice of appeal as timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 26, 2018.

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

-----X

Wells Fargo Bank, etc.

Plaintiff-Respondent,

-against-

M-2428
Index No. 32277/17E

Sebastian Saglimbeni,

Defendant-Appellant,

Carmela Saglimbeni, et al.,

Defendants.

-----X

Defendant-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 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 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 26, 2018.

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

-----X
Juliette Ayala,

Plaintiff-Appellant,

-against-

M-2621
Index No. 306555/12

James M. Pascarelli and Consolidated
Edison Company of New York, Inc.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 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 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 26, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In the Matter of

Aliyah N.,

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

CONFIDENTIAL

M-2762

Docket No. NA 12279/17

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

Alvin N.,
Respondent-Appellant,

Leila S.,
Respondent,

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

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 24, 2018,

And respondent-appellant father having moved to stay the aforesaid Family Court order insofar as it denied his application to issue a subpoena ad testificandum for the deposition of a certain expert witness; and to stay the fact finding hearing 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 stay is granted on condition the appeal is perfected for the November 2018 Term, without prejudice to further proceedings in Family Court, and is 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 26, 2018.

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

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

Respondent,

-against-

M-2645
Ind. No. 206/17

Jesus Ricardo Leon,

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 9, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Anil C. Singh, Justices.

-----X
George Laboy, As Executor of the
Estate of Carmen Figueroa,

Plaintiff-Appellant,

-against-

M-2270
Index No. 17190/99

City of New York, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 29, 2018 (Appeal No. 6120),

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 26, 2018.

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

-----X

Yeshaya Averbuch, suing individually and derivatively on behalf of New York Budget Inn LLC and Layinn Hospitality Group Inc.,

Plaintiffs-Appellants,

-against-

M-2451
Index No. 653343/16

New York Budget Inn LLC, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 10, 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 to dismiss the appeal is granted unless the appeal is perfected for 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 26, 2018.

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

-----X

Tasha Thompson,

Plaintiff,

-against-

M-2413
Index No. 401621/12

New York City Transit Authority,

Defendant.

-----X

Plaintiff having moved for leave to file a late notice of appeal from the order of the Supreme Court, New York County, entered on or about July 18, 2017, and for other relief,

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

It is ordered that the motion is 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 26, 2018.

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

-----X
29-33 Convent Avenue HDFC,

Petitioner-Landlord-Respondent,

-against-
Simona Bost,

M-2159
N.Y. County
Index No. 570201/16
Civil N.Y. County
Index No. 59390/14

Respondent-Tenant-Appellant.
-----X

Respondent-tenant-appellant 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 February 21, 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 26, 2018.

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

-----X
Sung Yoon Kim,
Petitioner-Landlord-Appellant,

-against-

Marianna Hettinger,
Respondent-Tenant-Respondent,

-and-

"John Doe," and/or "Jane Doe,"
Respondents-Undertenants.
-----X

M-2098
N.Y. County Clerk
Index No. 570595/17
N.Y. County Civil Court
Index No. 62413/17

Respondent-tenant-respondent 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 February 26, 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 26, 2018.

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

-----X
Nationstar Mortgage, LLC,

Plaintiff-Respondent,

-against-

M-1698
Index No. 850118/15

Michael Cogen,

Defendant-Appellant,

New York State Department of
Taxation and Finance 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 1, 2018 (Appeal Nos. 5881-5881A-5881B),

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 26, 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 Custody/Visitation Under Article 6 of the Family Court Act.

- - - - -

Edith Imani M.,
Petitioner-Appellant,

CONFIDENTIAL

M-1847

Docket Nos. V-35507/16
V-32125/16

-against-

Jordi V. B.,
Respondent-Respondent.

- - - - -

Maya Brodziak, Esq.,
Lawyers for Children,
Attorney for the Child.

-----X

Petitioner-appellant purports to appeal to this Court from an order of the Family Court, New York County, entered on or about January 30, 2018,

And petitioner-appellant having moved, inter alia, for leave to appeal from the aforesaid temporary custody order; for a stay of enforcement of that part of the Family Court order expanding the respondent father's visitation rights, pending a custody trial scheduled for August 2018; and for a free copy of the transcript, and for related relief,

And an interim stay having been denied by an order of a Justice of this Court, entered on March 26, 2018, pending determination of the instant motion,

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

Ordered that that branch of the motion seeking leave to appeal from the January 20, 2018 Family Court order is denied. The remainder of the motion is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Cash4Cases, Inc.,

Plaintiff-Respondent,

-against-

M-2802
Index No. 655131/16

Arthur Brunetti,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 27, 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 26, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Peter H. Moulton, Justices.

-----X
Age Group, Ltd.,

Plaintiff-Respondent,

-against-

Martha Stewart Living Omnimedia, Inc.,

Defendant-Appellant.
-----X

M-2403
Index No. 653408/13

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 April 12, 2018 (Appeal Nos. 6263-6264),

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 26, 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-2439
Ind. No. 1247/14

Liliana Salas,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved for an order dismissing , as moot, defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 2, 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 appeal withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2018.

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

-----X
Carlos Velasquez,

Plaintiff-Appellant,

-against-

M-2200
Index No. 22016/13E

Pedro Villalona and Raphael Villar,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 13, 2017,

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

It is ordered that the motion is denied and, sua sponte, 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 26, 2018.

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

-----X
In the Matter of the Application of
Kennedy Cobb,
Petitioner-Appellant,

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

-against-

M-2300
Index No. 260088/17

New York State Department of Corrections
and Community Supervision, et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about February 20, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 26, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2516
Ind. Nos. 5448/15
2690/16

Jose L. Villegas,
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 November 22, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 26, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices,

-----X

The People of the State of New York,
Respondent,

-against-

M-2258
Ind. Nos. 2605N/09
580/13

Done Aquavivas Cruz, also known as,
Cruz D. Aguavivas,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 1, 2017 (M-2494), inter alia, granting defendant-appellant'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 September 27, 2016, under Indictment No. 580/13, and assigning counsel therefor,

And an order of this Court having been entered on March 10, 2011 (M-188) denying, with leave to renew, defendant-appellant'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 July 23, 2010, under Indictment No. 2605N/09,

And defendant-appellant having renewed his motion for poor person relief under Indictment No. 2605N/09, and for an order amending the aforementioned order of assignment under Indictment No. 580/13 to include Indictment No. 2605N/09,

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 aforementioned order of assignment to include Indictment No. 2605N/09, and extending the poor person relief previously granted under Indictment No. 580/13 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 26, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
The People of the State of New York,
Respondent, M-2662
Ind. No. 1505/11
-against-

Deivis Ceballos,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 1, 2017 (M-2441) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 31, 2017, and assigning Rosemary Herbert, Esq., predecessor Attorney-in-Charge to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel and substitute retained counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of relieving the Office of the Appellate Defender as counsel to prosecute defendant's appeal, and granting limited poor person relief on appeal, on the original record and typewritten briefs, and otherwise deny, as unnecessary, that portion of the motion seeking to substitute retained counsel on 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 26, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-2526
Ind. No. 1036/16

Adiel Peguero,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2017, and for leave to prosecute as a poor person on the original record and typewritten briefs and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal, and otherwise denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit setting forth his indigency, in compliance with CPLR 1101, setting forth the amount and sources of funds used to retain trial counsel, Virginia Alvarez, Esq., and an explanation as to why similar funds are not available to prosecute this 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 26, 2018.

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

-----X
Well Done Realty LLC,
Petitioner-Landlord-Respondent,

-against-

Benjamin Epps & Amy Monroe-Epps,
Respondents-Tenants-Appellants,

Sue Monroe, "John Doe", and "Jane Doe",
Respondents-Undertenants-
Appellants.

M-2116

N.Y. County Clerk's
Index No. 570241/17
Civil N.Y. County
Index No. 78705/15

-----X
Respondents-tenants-appellants and respondent-undertenant-appellant Sue Monroe 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 February 26, 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. Appellants shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules 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 26, 2018.

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

-----X
Sako Management LLC,

Petitioner-Landlord-Respondent,

-against-

Armando Johannes, "John Doe" and
Jennie Johannes,

Respondents-Tenants-Appellants.
-----X

M-1892
New York County Clerk
Index No. 570773/17
Bronx County
Civil Court
Index No. 35071/17

Respondents-tenants-appellants 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 March 20, 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 26, 2018.

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

-----X
In the Matter of the Application of
Mayflower Development Corp.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-2696
of the Civil Practice Law and Rules, Index No. 101105/16

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Appellant,

Piers Cardew and Karen Chatfield,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 25, 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 26, 2018.

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

-----X
In the Matter of the Application of
Mayflower Development Corp.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-2696
of the Civil Practice Law and Rules, Index No. 101105/16

-against-

New York State Division of Housing
and Community Renewal,
Respondent-Appellant,

Piers Cardew and Karen Chatfield,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 25, 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 26, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-2529
Ind. No. 1286/16

Jerry Anderson,

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 February 7, 2017, and for leave to prosecute the aforesaid appeal, as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed, and otherwise denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and a listing of his property with its value.

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 26, 2018.

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

-----X

Antonio Barbosa,

Plaintiff-Appellant,

-against-

M-2295

Index No. 156905/13

The City of New York,

Defendant-Respondent.

-----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 May 10, 2017,

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

It is ordered that the motion is granted 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 26, 2018.

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

-----x
Jackie McClinton,
Plaintiff,

-against-

M-2425
Index No. 308786/10

1106 College Avenue H.D.F.C.,
Belmont Arthur Avenue LDC and
Greenline Construction,
Defendants.

1106 College Avenue H.D.F.C. and
Belmont Arthur Avenue LDC,
Third-Party Plaintiffs,

-against-

Index No. 83839/11

Green Line Construction,
Third-Party Defendant.

1106 College Avenue H.D.F.C.
and Belmont Arthur Avenue LDC,
Second Third-Party Plaintiffs,

-against-

Index No. 87346/14

Bel-Art Enterprises, LLC,
Second Third-Party Defendant.

1106 College Avenue H.D.F.C. and
Belmont Arthur Avenue LDC,
Third Third-Party Plaintiffs-
Appellants,

-against-

Index No. 83976/14

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

 C&M Restoration Corporation,
 Fourth Third-Party Plaintiff-
 Respondent,

-against-

Index No. 83857/16

Green Line Construction,
 Fourth Third-Party Defendant.

-----x

An appeal having been taken to this Court by defendants/
 third-party plaintiffs, 1106 College Avenue H.D.F.C., and
 Belmont Arthur Avenue LDC, from the order of the Supreme
 Court, Bronx County, entered on or about June 22, 2017,

And third third-party defendant/fourth third-party
 plaintiff-respondent having moved to dismiss the 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 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 26, 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-2371
Ind. No. 1476/16

Gene-Mar Booker,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 14, 2016, and said appeal having been perfected,

And the People having moved to dismiss the aforesaid appeal as abandoned,

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 26, 2018.

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

-----X
Tatiane Souza De Oliveira,
Plaintiff-Appellant,

-against-

Syneron, Inc., also known as Synerom
Medical, Ltd.,
Defendant-Respondent,

M-2417
Index No. 302826/16

-and-

Costa Tropical Beauty Spa, Inc.,
et al.,
Defendants.

-----X

Appeals having been taken to this Court from a judgment of the Supreme Court, Bronx County, entered on or about January 6, 2017 and an order, same Court, entered on or about April 10, 2017,

And defendant-respondent having moved for dismissal of the aforesaid appeals upon the grounds that no appeal lies from an order entered upon default, and for failure to timely prosecute,

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 26, 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-

Saif Reid,

Defendant-Appellant.
-----X

M-2172

Ind. Nos. 5219/13

3884/14

438/15

An order of this Court having been entered on April 25, 2017 (M-594) substituting the Office of the Appellate Defender, as counsel to prosecute the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2015; and a motion having been made to relieve said counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel The Office of the Appellate Defender 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, NY 10601, Telephone No. 914-949-8214, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 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-2409
Ind. No. 5193/16

Terry Smith,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about May 10, 2017,

And defendant-appellant having moved for leave to proceed pro se on the appeal, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on May 10, 2018, advising him of the consequences of proceeding pro se, and defendant having responded thereto on May 22, 2018; and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of allowing defendant-appellant to proceed pro se, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment shall be substituted in place of the original indictment and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and file 8 reproduced 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 is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to 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 26, 2018.

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

-----X
In the Matter of the Application of
Whiting-Turner Contracting Company,
Petitioner,

For An Order and Judgment Pursuant
to Article 78 of the CPLR,

M-2655
DC #17
Index No. 100489/15

-against-

The Environmental Control Board of
the City of New York,
Respondent.

-----X

This proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 15, 2015,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for petitioner having submitted an affirmation seeking an enlargement of time in which to perfect the proceeding,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the proceeding is enlarged to the November 2018 Term and counsel is directed to so perfect.

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 26, 2018.

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

-----X

George O. Fuhrmann,
Plaintiff,

A Proceeding Pursuant to Article 78
of the Civil Practice Law and Rules,

M-2637
DC #6
Index. No. 101389/15

-against-

NYC Department of Motor Vehicles,
Defendant.

-----X

A proceeding having been transferred to this Court, pursuant to CPLR 7804(g) by the order of the Supreme Court, New York County, entered on or about March 24, 2016,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for petitioner having submitted an affirmation seeking an enlargement of time in which to perfect the proceeding,

Now, upon the Court's own motion,

It is ordered that the petitioner's time to perfect the proceeding is enlarged to the November 2018 Term and counsel is directed to so perfect.

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 26, 2018.

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

-----X
Cristina Marquez,

Plaintiff-Appellant,

-against-

M-2419
Index No. 300975/13

1362 Jerome Heights Associates, LLC,
et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 25, 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 26, 2018.

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

-----X
Center for Biomedical Studies, Inc.,
et al.,

Plaintiffs-Appellants,

M-2514
Index No. 651481/15

-against-

Berger & Sklaw, LLC, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about 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 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 26, 2018.

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

-----X
In the Matter of the Application of
Intercontinental Construction
Contracting, Inc.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2420
of the Civil Practice Law and Rules, Index No. 101419/15

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 14, 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 26, 2018.

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

-----X
The Board of Managers of 50 West
127th Street Condominium,
Plaintiff-Respondent,

-against-

Chekesha Kidd, et al.,
Defendants-Respondents,

M-2773
Index No. 151386/15

City West Capital LLC,
Non-Party Appellant.
-----X

Non-party 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 26, 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 26, 2018.

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

-----X

The People of the State of New York,

-against-

M-2464
Ind. No. 3787/13

Maliek Hill,

Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 20, 2016,

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

It is ordered that the motion is 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 26, 2018.

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

-----x
US Bank National Association as Trustee
for CSAB Mortgage-Backed Pass-Through
Certificates Series 2006-1,
Plaintiff-Respondent,

-against-

M-2365
Index No. 111801/08

Carole Richards, Commissioner of Social
Services, etc., et al.,
Defendants-Appellants.

-----x

Defendant-appellant Carole Richards 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 4, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 26, 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

Strategic Consulting Alliance, LLC,
doing business as Jassin Consulting
Group,

Petitioner-Respondent,

-against-

S.D.C. Designs, LLC,

Respondent-Appellant.
----- X

M-2471
Index No. 652612/17

Petitioner-respondent having moved for dismissal of the appeal from orders of the Supreme Court, New York County, entered on or about June 29, 2017 and July 21, 2017, for failure to file a 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 26, 2018.

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

-----x
In the Matter of the Application of
Amiyna Rock,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-2189
of the Civil Practice Law and Rules, Index No. 100204/17

-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 January 16, 2018, as untimely taken,

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