

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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.

CONFIDENTIAL
M-1636

- - - - -
Jennifer C.,
Petitioner-Appellant,

Docket Nos. V-20414-13/18G
V-29626-13/18F

-against-

Hector Manuel P.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about March 1, 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, Michael F. Dailey, Esq., One Riverdale Avenue, Suite One, Mailbox 11, Bronx, New York, 10463, Telephone No. (718) 543-0100, 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 June 7, 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

Emmanuel B.,

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

CONFIDENTIAL
M-1667

Docket No. NN-26312/17

Administration for Children's Services,
Petitioner-Respondent,

Lynette J.,
Respondent,

Andrell B.,
Non-Respondent-Appellant.

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

-----X

Non-respondent-appellant, Andrell B., having moved for leave to prosecute, as a poor person, an appeal taken from three orders of the Family Court, Bronx County, entered on or about February 16, 2018, March 5, 2018 and March 5, 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, New York 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 June 7, 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/Visitation Under Article 6
of the Family Court Act.

- - - - -
Dave D.,
Petitioner-Appellant,

CONFIDENTIAL

M-2475
Docket No. V-31561-11/15B

-against-

Cara C.,
Respondent-Respondent.

- - - - -
Geoffrey Greenlees, Esq.,
Attorney for the Child,

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, Bronx County, entered on or about April 19, 2016, and February 1, 2013, 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**

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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-1812

Ind. No. 2650/16

Moises Garcia,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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-1813

Ind. No. 1921/15

Ezequiel Ochoa,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 6, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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-

Felipe Perez,

Defendant-Appellant.

-----X

M-1820

Ind. Nos. 116/17
567/16
2049/16

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 13, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 June 7, 2018.

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

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

Respondent,

-against-

M-1814
Ind. No. 1975/06

Victor Gonzalez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 13, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 June 7, 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-1140
Ind. No. 4634/96

John Aponte,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on November 14, 2006, (Appeal No. 9534), unanimously affirming a judgment of the Supreme Court, Bronx County (Robert Seewald, J.), rendered on February 7, 2000, (see *People v Aponte*, 34 AD3d 298, 823 NYS2d 406 [2006]),

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 June 7, 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-

Lawrence Elliott,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-1424

Ind. No. 5465/10

A decision and order of this Court having been entered on March 31, 2016 (Appeal No. 693), unanimously affirming a judgment of the Supreme Court, New York County (Melissa C. Jackson, J.), rendered on July 10, 2013,

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

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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-1465
Ind. No. 1348/06

Albert Javier,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 14, 2015 (Appeal Nos. 15105-15105A), unanimously modifying a judgment of the Supreme Court, New York County (Charles H. Solomon, J., at severance motion; Bonnie G. Wittner, J., at jury trial and sentencing), rendered on January 16, 2007, as amended January 25, 2011; and unanimously affirming the order, same Court and Justice, entered on or about February 27, 2014,

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 June 7, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of
Deborah Howard,
Petitioner,

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

M-1342
Index No. 100781/16

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 16, 2017,

And by order entered November 2, 2017 (M-4301), this Court granted petitioner poor person relief and a stay of eviction on condition the proceeding was perfected for the May 2018 Term,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
John Predd, as Administrator of the
Estate of Marilyn Predd, deceased,
and Marilyn Predd, individually,

Plaintiffs-Appellants,

M-1477
Index No. 20385/12E

-against-

Montefiore Medical Center, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeals taken from a judgment of the Supreme Court, Bronx County, entered on or about September 14, 2016 and from an order, same court and justice, entered on or about August 19, 2016,

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

It is ordered that the motion is granted 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 June 7, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
Mushander Brown,
Plaintiff-Respondent,

-against-

M-1647
Index No. 115539/08

Metropolitan Transit Authority, et al.,
Defendants-Appellants,

-and-

Betty J. Foster,
Defendant-Respondent.

-----X
Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 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 October 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
Ecumenical Community Development
Organization,
Plaintiff-Respondent,

-and-

Ruth Walton,
Intervenor-Plaintiff-Respondent,

M-1747
Index No. 156405/12

-against-

GVS Properties II, LLC, Alma Realty Corp.,
BP11-3915 Broadway LLC, Vantage Management
Services, LLC, and Broadway Portfolio I
Owner LLC,
Defendants-Appellants.

-----X

Defendants-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 the correspondence from counsel for defendants-appellants dated May 7, 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 June 7, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----X
Sez Holdings LLC, et al.,
Plaintiffs-Respondents,

-against-

Magic Quick Lube, Inc., et al.,
Defendants-Appellants,

M-1842
Index No. 26479/15

-and-

Jerome Avenue Car Wash and Lube,
Inc., et al.,
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 5, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

Hertz Vehicles LLC,
Plaintiff-Appellant,

-against-

M-670

Index No. 160441/14

Significant Care, PT, P.C., et al.,
Defendants,

Ksenia Pavlova, D.O.,
Defendant-Respondent.

-----X

Defendant-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 January 25, 2018 (Appeal No. 5535),

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 June 7, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Sean McLean,
Plaintiff-Respondent,

-against-

M-1005
Index No. 300263/12

Eric A. Ripoli, et al.,
Defendants,

Pedro Lay, et al.,
Defendants-Appellants.
-----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 January 25, 2018 (Appeal No. 5540),

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Michael Puchades,
Plaintiff-Respondent,

-against-

Taube Management Realty LLC, et al.,
Defendants-Respondents,

H.J. Development LLC, et al.,
Defendants,

Triumph Construction Corp.,
Defendant-Appellant.

M-1209
Index No. 152720/12

- - - - -
[And third-party actions]
- - - - -

Consolidated Edison Company of New York,
Fourth-Party Plaintiff-Respondent,

-against-

Triumph Construction Corp.,
Fourth Party Defendant-Appellant.

-----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 February 8, 2018 (Appeal No. 5667),

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 June 7, 2018.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Marcy L. Kahn
Anil C. Singh
Peter H. Moulton, Justices.

-----X

The Bronx Islamic Society, Inc.,

Plaintiff-Respondent,

-against-

Terrence H. Ally, et al.,

Defendants-Appellants.

-----X

M-1579

Index No. 22008/16E

Defendants-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 February 22, 2018 (Appeal No. 5821N),

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 June 7, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

The People of the State of New York
ex rel. Anthony Farley, Esq., on
behalf of Tracie Martin,
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New
York City Department of Correction,
Respondent-Respondent.

M-2067
Index No. 453091/17
Ind. No. 3581/17

-----X

An order of a single Justice of this Court entered on or about December 8, 2017, granting petitioner a reduction in bail; and such relief having been continued by an order of this Court entered on or about February 22, 2018 (M-6641),

And the aforesaid order of this Court (M-6641), having granted defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 27, 2017; and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

And an order of this Court dated April 19, 2018 (M-1151), having enlarged the time to perfect the appeal to the September 2018 Term, and continuing the previous bail relief (M-6641) on condition the appeal is perfected for the September 2018 Term,

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 Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, 10601, Telephone No. 914-949-8214, as such counsel,

It is further ordered, sua sponte, the time to perfect the appeal is enlarged to the October 2018 Term; and the bail relief, previously granted by this Court (M-6641, M-1151), is continued, on condition that the appeal is perfected for the October 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Anil C. Singh, Justices.

-----X

Victoria Ortegas,

Plaintiff-Appellant,

-against-

M-611

Index No. 23111/15E

G4S Secure Solutions (USA) Inc.,
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 December 28, 2017 (Appeal No. 5302),

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 June 7, 2018.

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

-----X
Tonyia B. Watson,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.
-----X

M-1731

Claim No. 126836

Claimant-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 6, 2018 (Appeal No. 5893),

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

It is ordered that the motion is denied in its entirety.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-1422
Ind. No. 1006/17

Christodou Papavarnava,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 29, 2017 (M-3338) 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 June 8, 2017, and assigning Rosemary Herbert, Esq., predecessor counsel 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 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 Office of the Appellate Defender, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523 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 June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----x
Reyna Diaz-Martinez,

Plaintiff-Appellant,

-against-

King of Glory Tabernacle Inc.,

Defendant-Respondent.
-----x

M-1478
Index No. 304739/14

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 21, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

M-1546
Ind. No. 5811/14

John Cahill,

Defendant-Appellant.
-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2015, without prejudice to reinstatement at such time 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, and otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

M-1620
Ind. No. 3853/15

Damel Atcherson,

Defendant-Appellant.
-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeal which was taken from a judgment of the Supreme Court, New York County, rendered on or about August 17, 2016, without prejudice to reinstatement at such time 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, and otherwise denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

M-1732
Ind. No. 3260/14

Tania Richardson,

Defendant-Appellant.
-----X

Assigned counsel for defendant, the Office of the Appellate Defender, having moved for an order relieving it as counsel or, in the alternative, dismissing defendant's appeal, taken from a judgment of the Supreme Court, New York County, rendered on or about August 19, 2015, without prejudice to reinstatement at such time 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, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

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

-----X

Mark Robert Gordon,

Plaintiff-Appellant,

-against-

M-1262

Index No. 157456/13

ROL Realty Company, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on May 11, 2017 (Appeal Nos. 3961-62),

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 June 7, 2018.

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

-----X
Accounting by William A. Kass and
Barbara Miller, as the Co-Executors
of the Estate of

Dorothy K. Mendelson,

Deceased.

SURROGATE'S COURT
M-2263
File No. 2009-4348/E

- - - - -
William A. Kass and Barbara Miller,
Petitioner-Appellants,

Jonathan Mendelson,
Objectant-Respondent.

-----X

Petitioners-appellants having moved for an enlargement of time to perfect the appeal from the order of the Surrogate's 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 October 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

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

-----X
Barklee 94 LLC,

Plaintiff-Appellant,

-against-

Augustus Oliver, et al.,

Defendants-Respondents.
-----X

M-2282
Index No. 100346/13

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 29, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

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

-----X
Railakhan Osmonova,

Plaintiff-Appellant,

-against-

Bridgett L. Mayorga,

Defendant-Respondent.
-----X

M-2298
Index No. 155396/16

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from two orders of the Supreme Court, New York County, entered on or about June 28, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Scott Meyer,
Plaintiff-Respondent,

-against-

M-1630
Index No. 152786/16

224 Lafayette St. Corp., et al.,
Defendants-Appellants.

-----X

An order of this Court having been entered on March 8, 2018 (M-435), inter alia, continuing a stay granted by a prior order of this Court, entered on November 2, 2017 (M-5300), on condition the appeal is perfected for the September 2018 Term; and denying a request by defense counsel to be relieved on the appeal, with leave to renew upon certain conditions,

And defense counsel having renewed their motion to be relieved as counsel for defendants-appellants, 224 Lafayette Street Corp., Raul Velasquez, Sr., and Raul Velasquez, Jr.,

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 Caraballo & Mandell, LLC as counsel only as to defendants 224 Lafayette St. Corp., doing business as 224 Lafayette Street Corp., and Raul Velasquez, Sr.; directing service of the moving papers upon defendants 224 Lafayette St. Corp, doing business as 224 Lafayette Street Corp., and Raul Velasquez, Sr., to be made at 224 Lafayette Street, Apartment 1, New York, NY 10012; sua sponte, enlarging the time to perfect

the appeal to the October 2018 Term, with no further enlargements to be granted; and continuing the terms of the stay issued by order of this Court, entered on November 2, 2017 (M-5300), on condition that the appeal is perfected for the October 2018 Term. 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 June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

Joseph Thomas,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-1737

Ind. Nos. 5407C/12
6/15

Assigned counsel for defendant-appellant having moved to be relieved as counsel with respect to the appeals taken from a judgment and a judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 15, 2015, or, in the alternative, for dismissal of the appeal, without prejudice to reinstatement at such time 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 appeals withdrawn, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1739

Ind. No. 1344/14

James Mirabel-Leon,

Defendant-Appellant.

-----X

Assigned counsel for defendant having moved to be relieved as counsel in connection with the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 12, 2015 or, in the alternative, for dismissal of the appeal, without prejudice to reinstatement, at such time 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, and otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1542

Ind. No. 1331/09

Raul Espino,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about September 20, 2016,

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

It is ordered that the motion is granted to the extent of 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 June 7, 2018.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Marcy L. Kahn, Justices.

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

Respondent,

M-1686

-against-

Docket No. 2012BX066470

Andy Durbal,

Defendant-Appellant.
-----X

Defendant having moved to transfer his appeal, currently before the Appellate Term, First Department, to this Court and allowing the continuance of poor person relief with respect to that appeal, from the judgment of the Supreme Court, Bronx County, rendered on or about February 25, 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. Appellant 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 June 7, 2018.

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

-----X
Paul W. Kaplan and Michelle D. Kaplan,
Plaintiffs-Respondents,

-against-

M-2388
Index No. 159584/13

Anatoliy Tsirlin, Micro Transit Inc.,,
Muhammad S. Hoque,
Defendants-Respondents,

Priory Cab Corp. and Sonam Tenzin,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 1, 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. The Clerk of the Court is directed to maintain the appeal on the calendar for the September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 7, 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, by
Eric T. Schneiderman, Attorney General
of the State of New York, et al.,

Petitioners-Respondents-Appellants,

-against-

M-2485
Index No. 450460/16

Northern Leasing Systems, Inc., et al.,

Respondents-Appellants-Respondents.
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 29, 2017,

And respondents-appellants-respondents having moved for a stay of all proceedings pending hearing and determination of their appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK