

At a 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 19, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

Fast Software Solutions, LLC,

Plaintiff-Appellant,

-against-

Steven K. Lichtman, et al.,

Defendants-Respondents.
-----X

M-1933

Index No. 656068/16

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 6, 2017,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-appellant's counsel dated May 21, 2018, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid correspondence.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 19, 2018.

Present: Hon. Peter Tom, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X

In re New York City Transit Authority,

Petitioner-Appellant,

M-1469

Index No. 453014/15

-against-

Physical Medicine & Rehab of NY PC,
as Assignee of Valerie Mathis,

Respondent-Respondent.

-----X

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 February 22, 2018 (Appeal No. 5796N),

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 19, 2018.

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

-----X

Juliana Schisler, Individually and as
Administratrix of the Estate of
Paul Schisler, Deceased,
Plaintiff-Respondent,

M-2055
Index No. 21364/13

-against-

City of New York,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 19, 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 June 19, 2018.

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

-----X
John Amodio and Christine Amodio,
Plaintiffs-Respondents,

-against-

M-2073

383 Madison LLC, et al.,
Defendants-Respondents-Appellants,

Index Nos. 105259/11
590177/12
590443/12

-and-

Jacobson & Company, Inc.,
Defendant-Respondent-Appellant,

Computer Floors, Inc.,
Defendant-Appellant-Respondent.

-----X
And Two Third-Party Actions.
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 17, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

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

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

-----X
Gene Francis,
Plaintiff-Respondent,

-against-

M-2080X
Index No. 151335/14E

The Manlyn Development Group, Inc.,
Defendant-Appellant,

11110 Flatlands Avenue LLC, Feinrose
Associates, and Goodrich Management
Corp.,
Defendants-Appellants.

-----X
The Manlyn Development Group, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Bedrock Plumbing and Heating, Inc.,
Third-Party Defendant-Appellant.

-----X
11110 Flatlands Avenue LLC, Feinrose
Associates, and Goodrich Management
Corp.,
Second Third-Party Plaintiffs-
Appellants,

-against-

The Manlyn Development Group, Inc.,
and Bedrock Plumbing and Heating,
Inc.,
Second Third-Party Defendants-
Appellants.

-----X

Separate appeals having been taken by multiple appellants from orders of the Supreme Court, New York County, entered on or about October 13, 2017 and on or about October 16, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 18, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

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

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

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

Respondent,

-against-

M-2082
Ind. No. 1668/00

Mario Sabino,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 29, 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 June 19, 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.

Maame Nyarko B.,
Petitioner-Appellant,

-against-

Godwin Edwin Dickson C.,
Respondent-Respondent.

CONFIDENTIAL

M-1775
Docket Nos. O-48307-16
O-48307-16/17B
O-48307-16/17A

-----X

Petitioner-appellant 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 January 9, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, 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

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

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.** (See M-1843, dated June 19, 2018, released simultaneously herewith).

ENTERED:


CLERK

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

Maame Nyarko B.,
Petitioner-Appellant,

CONFIDENTIAL

-against-

M-1843
Docket Nos. O-48307-16
O-48307-16/17B
O-48307-16/17A

Godwin Edwin Dickson C.,
Respondent-Respondent.

-----X

David Goldstein, Esq., court attorney for the respondent-respondent, having moved on the respondent's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 9, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, New York 10701, Telephone No. 914-439-4843, 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. (See M-1775, dated June 19, 2018, released simultaneously herewith).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 19, 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
Support Under Article 4 of the
Family Court Act.

- - - - -
Holly Joy G.,
Petitioner-Respondent,

CONFIDENTIAL

M-1776
Docket No. F-27790-09/15B

-against-

Horace M. M., Jr.,
Respondent-Appellant.

-----X

Respondent-appellant 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 January 31, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. 917-886-5620, 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

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

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 19, 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.

- - - - -
Raymond S. H., Jr.,
Petitioner-Appellant,

CONFIDENTIAL
M-1796

Docket No. V-34060-15/16A

-against-

Nefertiti Star M.,
Respondent-Respondent.

- - - - -
Tennille M. Tatum-Evans, Esq.,
Attorney for the Child.

-----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 September 20, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel R. Katz., Esq., 339 West 88th Street, Apt. #3, New York, NY 10024, Telephone No. (917) 886-5620, 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 19, 2018.

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

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

Respondent,
-against-

M-1973
Ind. No. 701/14

Gloria Rodriguez,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 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 19, 2018.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2008

-against-

Ind. No. 1928/16

Wilson Bradley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Goldberg, J.), entered on or about March 15, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Goldberg as yet not transcribed. The

Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

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

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2025

-against-

Ind. Nos. 336/05
2041/05

Pedro Torres,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Farber, J.), entered on or about October 24, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Farber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:



CLERK

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

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

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

Respondent,

-against-

Luis Padilla also known as George
Perez,

Defendant-Appellant.
-----X

M-2070
Ind. No. 35/17
SCI Nos. 3290/16
3288/16
3289/16

An order of this Court having been entered on March 13, 2018 (M-410), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 31, 2017, under Indictment No. 35/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include SCI Nos. 3288/16, 3289/16 and 3290/16,

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 defendant's notice of appeal and the aforementioned order to include Indictment No. 35/17 and SCI Nos. 3288/16, 3289/16 and 3290/16, and extending the poor person relief previously granted to cover same.

ENTERED:


CLERK

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

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-2102

-against-

Ind. No. 3103/15

Daniel Galantter,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Hayes, J.), entered on or about February 27, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTERED:



CLERK

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2156
Ind. No. 405/16

Isaiah Iyasere,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 6, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 1, 2017,

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

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

(M-2156)

-2-

June 19, 2018

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2166
Ind. No. 1478/17

John Horton,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 19, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 5, 2017,

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

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

(M-2166)

-2-

June 19, 2018

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2169
Ind. No. 188/16

Christopher Rice,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about November 29, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 29, 2017,

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

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

(M-2169)

-2-

June 19, 2018

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2174
SCI No. 2376/17

Jorge Bardales,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 5, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 5, 2017,

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

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

(M-2174)

-2-

June 19, 2018

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

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

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

-----X

The People of the State of New York,
Respondent,

-against-

M-2176
Ind. No. 331/15

Steven Green,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 1, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 1, 2017,

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

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

(M-2176)

-2-

June 19, 2018

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

A handwritten signature in black ink, appearing to read "Seymour James, Jr.", written in a cursive style.

CLERK

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

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

-----X
Ana Lopez, et al.,
Plaintiffs-Appellants, M-1036
-against- M-2087
Index No. 8706/07

New York Presbyterian Hospital, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 3, 2017,

And defendants-respondents having moved for an order taking judicial notice of certain documents and exhibits which were filed in opposition to a previous motion by plaintiffs-appellants for a stay,

And defendants-respondents having moved, by separate motion, for an order withdrawing their motion to take judicial notice of certain documents, (M-1036), and withdrawing the appeal (M-2087),

Now, upon reading and filing the stipulation of the parties hereto, dated April 24, 2018, and due deliberation having been had thereon,

It is ordered that the motion (M-1036) and the appeal, previously perfected, are withdrawn in accordance with the aforesaid stipulation (M-2087).

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 19, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-1873
Ind. No. 3350N/13

Tajammal Sharief Brown,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 23, 2015 (M-870), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 29, 2015, under Indictment No. 3350N/13, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the order of assignment to include the judgment of **resentence** of said Court, rendered on or about March 26, 2018, under the same indictment number,

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 the judgment of **resentence** of said Court, rendered on or about March 26, 2018, and extending the poor person relief previously granted to cover same. Sua sponte, the time to perfect the appeals is enlarged to the October 2018 Term of this Court.

ENTERED:


CLERK

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

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

-----X
Jorge Ajche,

Plaintiff-Appellant-Respondent,

-against-

Park Avenue Plaza Owner, LLC,
Defendant-Respondent-Appellant,

CPM Builders, Inc.,
Defendant-Respondent-Appellant,

53rd St. Food, LLC, et al.,
Defendants-Respondents.

-----X
Park Avenue Plaza Owner, LLC,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

53rd St. Food, LLC and Blake & Todd,
Third-Party Defendant-Respondent.

-----X
53rd St. Food, LLC and Blake & Todd,
Second Third-Party Plaintiff,

-against-

Cobra Kitchen Ventilation, Inc.,
Second Third-Party Defendant-
Respondent.

-----X
(Caption Continued)

M-1707
M-1839
M-2016

Index No. 156696/12

Third-Party
Index No. 590149/13

Second Third-Party
Index No. 590318/13

-----X

Park Avenue Plaza Owner, LLC,
Third Third-Party Plaintiff-
Appellant-Respondent,

-against-

Third Third-Party
Index No. 590712/13

Cobra Kitchen Ventilation, Inc.,
Third Third-Party Defendant-
Respondent.

-----X

Appeals and cross appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 5, 2017,

And plaintiff, Jorge Ajche, having moved for an enlargement of time to perfect his appeal (M-1707),

And defendant-third-party plaintiff/third third-party plaintiff-appellant-respondent, Park Avenue Plaza Owner LLC, having moved for an enlargement of time to perfect their appeal (M-1839),

And defendant-respondent-appellant, CPM Builders, Inc., having moved for an enlargement of time to perfect their appeal (M-2016),

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 granted to the extent of consolidating the appeals and cross appeals upon a joint record and enlarging the time to perfect same to the October 2018 Term. The attention of the parties is directed to 22 NYCRR §600.11.

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 19, 2018.

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

-----X
Patrick Kelly,

Plaintiff-Respondent,

-against-

M-1994
Index No. 25821/15E

The Port Authority of New York and
New Jersey, et al.,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 12, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 5, 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 June 19, 2018.

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

-----x

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

- - - - -

CONFIDENTIAL

Rita F. H.,
Petitioner-Respondent-Appellant,

M-1418
Docket No. F-2657-93/10E

-against-

Jesse M. H.,
Respondent-Appellant-Respondent.

- - - - -

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

- - - - -

Docket Nos. F-2657-93/11G
F-2657-93/11F

Jesse M. H.,
Petitioner-Appellant-Respondent,

-against-

Rita F. H.,
Respondent-Respondent-Appellant.

-----x

An order of this Court having been entered on January 19, 2017 (M-5319) granting, inter alia, respondent-appellant-respondent/petitioner-appellant-respondent Jesse M. H.'s motion for leave to prosecute the appeals from orders of the Family Court, New York County, entered on or about October 27, 2015 and January 4, 2016 as a poor person, consolidating the appeals, and assigning Carol L. Kahn, Esq., as counsel to prosecute the consolidated appeals,

And an order of this Court having been entered on April 13, 2017 (M-1179) granting, inter alia, an enlargement of time to perfect the appeals from the orders entered on or about October 27, 2015 and January 4, 2016, consolidating said appeals with appeals taken by Jesse M. H. from orders entered on or about

January 6, 2017, February 9, 2016 and March 29, 2016, and assigning Carol Kahn, Esq., to prosecute the consolidated appeals on Jesse M. H.'s behalf,

And an order of this Court having been entered on July 25, 2017 (M-2696), granting, inter alia, Rita F. H. leave to respond to the appeals from the orders entered on or about October 27, 2015, January 4, 2016, February 9, 2016, March 29, 2016, January 6, 2017 and February 10, 2017 as a poor person, and assigning counsel therefor,

And a decision and order of this Court having been entered on February 22, 2018 (Appeal Nos. 5800-5805), unanimously affirming the order of the Family Court, New York County (Jane Pearl, J.), entered on or about January 4, 2016,

And an order of this Court having been entered on March 6, 2018 (M-187), inter alia, denying Jesse M. H.'s motion for leave to prosecute the appeals from the order of the Family Court, New York County, entered on or about November 29, 2017 and the order of a Support Magistrate entered on or about September 13, 2017,

And Carol L. Kahn, Esq., assigned counsel for petitioner/respondent-appellant Jesse M. H., having moved to be relieved as appellate counsel on the appeals decided by the decision and order of this Court, entered on February 22, 2018 (Appeal Nos. 5800-5805), for the assignment of new counsel for purposes of determining whether permission should be sought to appeal to the Court of Appeals, to make such motion if warranted, and extending Jesse M. H.'s time to seek leave to appeal until thirty days after the assignment of new counsel,

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

It is ordered that the motion is granted to the extent of relieving Carol L. Kahn, Esq., as counsel on the appeal decided by the decision and order of this Court entered on February 22, 2018 (Appeal Nos. 5800-5805), and it is further,

Ordered that, sua sponte, Carol L. Kahn, Esq. is also relieved as counsel insofar as she was appointed on appeals from the orders entered on or about February 9, 2016, March 29, 2016 and January 6, 2017, and on the appeal by Jesse M. H. from an order entered on or about February 10, 2017. The orders of this Court entered on April 13, 2017 (M-1179) and July 25, 2017 (M-2696) are vacated insofar as those orders granted poor person relief and assigned Carol L. Kahn, Esq. as counsel to represent Jesse M. H. on those appeals. 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 19, 2018.

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

-----X
Kalman Kaspiev,

Plaintiff-Appellant,

-against-

Corbis Corporation,

Defendant-Respondent.
-----X

M-1525

Index No. 652274/16

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 February 15, 2018 (Appeal No. 5743),

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 19, 2018.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

CONFIDENTIAL

M-1078

Ind. No. 2202/15

Ronald De Los Santos,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 29, 2016 (M-5685), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 18, 2016, under Indictment Nos. 2202/15 and 2606/15, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of **resentence** of said Court rendered on or about July 11, 2017 under Indictment No. 2205/15, and assigning the Center for Appellate Litigation as counsel,

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 the judgment of **resentence** of said Court, rendered on or about July 11, 2017, under Indictment No. 2205/15, and extending the poor person relief previously granted to cover same.

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 19, 2018.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

Respondent,
-against-

M-1379
Ind. No. 2139/16

Joel Correa,

Defendant-Appellant.
-----X

An order of this Court having been entered on February 6, 2017, (M-6430), denying defendant leave to prosecute, as a poor person, with leave to renew, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2016,

And defendant having moved for leave to renew, upon submission, inter alia, of a notarized affidavit setting forth his indigency in compliance with CPLR § 1101, his request for poor person relief and assignment of counsel on appeal under New York Ind. No. 2139/16,

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 19, 2018.

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

-----X

In the Matter of the Arbitration of
Certain Controversies Between

NRT New York LLC., doing business as
Citihabitats,

M-1162
Index No. 652641/17

Petitioner-Respondent,

-against-

Suzy Spell and Charles Spell,

Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 29, 2018, and the judgment thereon dated February 1, 2018 and entered on or about March 1, 2018,

And respondents-appellants having moved to stay enforcement of the aforesaid order 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 for a stay, pursuant to CPLR 5519(C) is denied without prejudice to renewal upon entry of the aforesaid judgment.

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 19, 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-1604
Ind. No. 2414/14

Jhai McLean,

Defendant-Appellant.
-----X

Assigned counsel for defendant, Robert S. Dean, Esq., Center for Appellate Litigation, having moved for an order withdrawing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 24, 2015, as abandoned, 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.

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 19, 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-1738

Ind. No. 2717/13

Taft Hamer,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 28, 2014,

And an order of this Court having been entered on July 2, 2015 (M-2129), relieving assigned counsel Seymour W. James, Jr., Esq., Legal Aid Society, and substituting Richard M. Greenberg, Esq., Office of the Appellate Defender, succeeded by Christina Swarns, Esq., to prosecute defendant's appeal,

And Christina M. Swarns, Esq., having moved for an order relieving the Office of the Appellate Defender as counsel for defendant or, in the alternative, dismissing the appeal as abandoned, without prejudice to reinstatement,

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

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

ENTERED:



CLERK

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

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
Dale Weingarten, etc.,
Plaintiff-Appellant,

-against-

M-1501
Index No. 401034/13

Jeff Braun,
Defendant-Respondent,

Jonathan Jossen, et al.,
Defendants.

-----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 February 15, 2018 (Appeal No. 5721N),

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 19, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

Liberty Mutual Fire Insurance Company,
as subrogee of Edison Properties, LLC,
et al.,

Plaintiffs-Respondents,

-against-

Navigators Insurance Company,
Defendant-Appellant.

-----X

M-1075

M-1578

Index No. 653341/13

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 February 1, 2018 (Appeal No. 5602) [M-1075],

And in a separate motion [M-1578], defendant-appellant having moved to stay enforcement of judgment awarded to plaintiffs-respondents pending the decision on the motion for reargument/leave to appeal to the Court of Appeals [M-1075],

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 June 19, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1750

Ind. No. 4089/12

Nathaniel Hall,
Defendant-Appellant.

-----X

Assigned counsel, Christina Swarns, Esq., Office of the Appellate Defender, having moved to be relieved as counsel for defendant, or, in the alternative, to dismiss the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 19, 2014, as abandoned, without prejudice to reinstatement,

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

It is ordered that the motion is granted only 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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1751
Ind. No. 3907/15

Daniel Maldonado,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 28, 2016 (M-1491), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 2, 2015, and assigning Richard M. Greenberg, Esq., predecessor chief counsel to Christina Swarns, Esq., the Office of The Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or in the alternative, to dismiss the appeal as abandoned, 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 appeal withdrawn, 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 June 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Wayman Paskins,
Defendant-Appellant.

M-1769
M-1770
Ind. Nos. 4682/17
2940/17

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeals from two separate judgments of the Supreme Court, New York County, both rendered on or about March 1, 2018, for leave to have the appeals 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 motions, and due deliberation having been had thereon,

It is ordered that the motions are denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the sources of his funds used to post \$20,000 bail on the appeal under New York County Ind. No. 2940/17, and an explanation why similar funds are not available for costs of the appeals under New York County Ind. Nos. 4682/17 and 2940/17.

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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1861
Ind. No. 1533/16

Luis Fajardo,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 3, 2018 (M-534) 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 November 15, 2017, under New York County Ind. No. 1533/16, and assigning Cristina 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 Cristina Swarns, Esq., 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 10005, Telephone No. 212-577-2523, as such counsel. The poor

(M-1861)

-2-

June 19, 2018

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 19, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

N.D., an Infant by her Mother and
Natural Guardian, Amanda Lozada and
Amanda Lozada, Individually,
Plaintiffs-Respondents,

M-1866
Index No. 350404/11

-against-

New York City Health and Hospitals
Corporation,
Defendant-Appellant.

-----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 June 8, 2017,

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

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

ENTERED:


CLERK

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

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

In the Matter of

The B-D. Children,

CONFIDENTIAL

M-1883

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

Docket Nos.
B-42029, 32-3/12

Administration for Children's Services, and The Children's Aid Society,

Petitioners-Respondents,

Josette Lee D.,
Respondent-Appellant.

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

-----X

-----X
In the Matter of

Micah T.,

A Child Under 18 Years of Age Alleged
to be Neglected Under Article 6 of the
Family Court Act.

Docket No. N-37640/15

- - - - -
Administration for Children's
Services, and The Children's Aid
Society,
Petitioners-Respondents,

Josette Lee D.,
Respondent-Appellant.

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

-----X
In the Matter of

Micah T.,

A Custody/Visitation Proceeding Under
Article 6 of the Family Court Act.

Docket Nos. V-31928/16
V-5449/17

- - - - -
Administration for Children's
Services, and The Children's Aid
Society,
Petitioners-Respondents,

Josette Lee D.,
Respondent-Appellant.

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

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Respondent-appellant in the three above-titled proceedings, having moved for leave to prosecute, as a poor person, the appeal taken from an order covering all three proceedings of the Family Court, New York County, entered on or about March 16, 2018, and for assignment of counsel, a free copy of the transcript(s), 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, Larry S. Bachner, P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, NY 10006, Telephone No. (917) 674-9516, 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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) 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 19, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
In re Laurie Kellogg,
Petitioner-Respondent,

-against-

M-1870
Index No. 160366/16

The New York State Board of Parole,
Respondent-Appellant.
-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on March 6, 2018 (Appeal No. 5707),

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