

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 March 29, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Kevin Glodek,
Plaintiff-Appellant-Respondent,

-against-

M-769
Index No. 156177/16

Kadmon Holdings, LLC, Kadmon
Holdings, Inc., Steven N. Gordon
and Konstantin Poukalov,
Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 19, 2017,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal taken from the aforesaid order,

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 and cross appeal to the September 2018 Term.

ENTERED:



DEPUTY 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 March 29, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
MBF Clearing Corp. and
MBF Asset Management, LLC,
Plaintiffs-Appellants,

-against-

M-775
Index No. 652820/14

JP Morgan Chase Bank, N.A., et
al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 9, 2017,

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

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

ENTERED:



DEPUTY 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 March 29, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
In the Matter of the Application of

Adam Miller,
Petitioner-Appellant,

-against-

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

M-776
Index No. 100362/16

To Vacate a Hearing Officer's
Decision Pursuant to Education Law
Section 3020-a and CPLR Section 7511

-----X

Petitioner-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 February 9, 2017,

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

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

ENTERED:


DEPUTY 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 March 29, 2018.

Present: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Ryan Rodriguez, et al.,
Plaintiffs-Respondents,

-against-

M-246

Index No. 158806/12

Columbia Pictures Industries, Inc.,
Defendant-Appellant,

Toys R Us-Delaware Inc., etc., et al.,
Defendants.

-----X

Plaintiffs-Respondents 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 7, 2017 (Appeal No. 5164),

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:



DEPUTY 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 March 29, 2018.

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

-----X

Charles Britz,
Plaintiff-Respondent,

-against-

M-172

Index No. 22161/14E

Grace Industries, LLC,
Defendant-Appellant,

The Haugland Group, LLC, et al.,
Defendants.

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on December 14, 2017 (Appeal No. 5247N),

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 March 29, 2018.

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

-----x
Lara S. T.,
Plaintiff-Respondent-Appellant,

-against-

Remy W. T.,
Defendant-Appellant-Respondent.
-----x

CONFIDENTIAL

M-740

Index No. 312168/15

An appeal, and a subsequent amended appeal, having been taken by defendant from the order of the Supreme Court, New York County, entered on or about June 16, 2017, and from a second supplemental decision and order, same Court and Justice, entered on or about July 21, 2017; and a cross appeal having been taken by plaintiff from the aforesaid order of the Supreme Court, entered on or about June 16, 2017, and said appeals having been perfected,

And former counsel for plaintiff-respondent-appellant, Buchanan Ingersoll & Rooney PC (Tanya D. Bosi, Esq., of counsel), having moved for adjournment of the consolidated appeals, and for leave to file a supplemental record on appeal,

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

It is ordered that the motion is granted to the extent of granting movant leave to file a supplemental record on appeal containing the hearing transcript dated April 19, 2017 (Exh. 2-A to the moving papers) at their own expense, and the motion is otherwise denied. The consolidated appeals are maintained on the calendar for the June 2018 Term.

ENTERED:



DEPUTY 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 March 29, 2018.

Present: Hon. Richard T. Andrias, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

M-145

-against-

Ind. No. 2129/16

Luis Bayron,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 18, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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 "Eric Schuck", written in a cursive style.

DEPUTY 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 March 29, 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.

Fatima K.,
Petitioner-Respondent,

-against-

CONFIDENTIAL
M-517
Docket Nos. V-30195/16
V-30194/16

Ousmane F.,
Respondent-Appellant.

Thomas R. Villecco, Esq.,
Attorney for the Child.

-----X

Allison Haltmaier, court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about October 5, 2016 and for the assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite No. 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the

(M-517)

-2-

March 29, 2018

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY CLERK

CORRECTED ORDER - April 4, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2018.

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

-----X
In the Matter of a Family Offense
Proceeding Pursuant to Article 8
of the Family Court Act.

Amanda R.,
Petitioner-Respondent,

CONFIDENTIAL
M-579
Docket No. 0-30078/16

-against-

Daniel A. R.,
Respondent-Appellant.

Kenneth M. Tuccillo, Esq.,
Attorney for the Child.

-----X
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about September 26, 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, Thomas R. Villecco, Esq. 366 North Broadway, Suite No. 410, Jericho, New York, Telephone No. 516-942-4221, as counsel for purposes of responding to the

CORRECTED ORDER - April 4, 2018

(M-579)

-2-

March 29, 2018

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 March 29, 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.

Trisha C.,
Petitioner-Appellant,

-against-

CONFIDENTIAL
M-692
Docket Nos. V-17726/16
V-17229/16/16A

Steven O.,
Respondent-Respondent.

Thomas R. Villecco, Esq.,
Attorney for the Child.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two separate orders of the Family Court, Bronx County, both entered on or about December 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite No. 410, Jericho, New York, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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

(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:



DEPUTY 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 March 29, 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-721
Ind. No. 4884/15

Lature Irvin, Sr. also known as
Lature Robert Irvin, Sr.,

Defendant-Appellant.

-----X

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

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

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

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

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style.

DEPUTY 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 March 29, 2018.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-590

-against-

Ind. No. 8204/93

Rhamed Armstrong,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about January 12, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., 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:



DEPUTY 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 March 29, 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-5720

Ind. No. 2114/95

Corneal Cordon,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 20, 1999 (Appeal No. 1015), unanimously affirming a judgment of the Supreme Court, New York County (Stackhouse, J.), rendered on July 14, 1997,

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:



DEPUTY 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 March 29, 2018.

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

-----X
Andre Mauro,
Plaintiff-Respondent,

-against-

The City of New York, PS 85 LLC, Kenny
Maraj and Kenneth Ramesh Maraj,
Defendants-Appellants,

-and-

East Harlem Council for Human Services,
Inc. and The New York City Department
of Education,
Defendants.

-----X

Defendants The City of New York and PS 85 LLC, having moved for an enlargement of time to perfect an appeal (M-53) taken from an order of the Supreme Court, New York County, entered on or about January 11, 2017,

And defendants Kenny Maraj and Kenneth Ramesh Maraj (collectively herein "Defendant Maraj") having taken a separate appeal (M-681) from the same order, also move for an enlargement of time to perfect said appeal,

And defendants The City of New York and PS 85 LLC, having cross-moved for an enlargement of time to further perfect the appeal (M-783),

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

M-53
M-681
M-783

Index No. 155085/12

It is ordered that the motions (M-53 and M-681) and cross motion (M-783) are granted and, sua sponte, the appeals are deemed consolidated. The time to perfect the consolidated appeals is enlarged to the September 2018 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 March 29, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

The People of the State of New York,

-against-

Kenworth S.,

Defendant.

-----X

SEALED

M-538

Ind. No. 2147/08

An order of this Court having been entered on November 22, 2016 (M-4399), dismissing a purported appeal taken to this Court by defendant from an order of the Supreme Court, Bronx County, entered on or about March 18, 2013,

And orders of this Court having been entered on February 7, 2017 (M-6394) and June 22, 2017 (M-2236), denying defendant's motions to reinstate his aforesaid purported appeal,

And defendant having again moved for the reinstatement of the aforesaid purported 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:



DEPUTY 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 March 29, 2018.

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

-----X

Yolanda Vizcaino,

Plaintiff-Appellant,

-against-

Western Beef, Inc., et al.,

Defendants-Respondents.

-----X

M-649

Index No. 301814/12

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

And defendant-respondent having moved for leave to supplement the record on appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated February 13, 2018, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 March 29, 2018.

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

-----X
In the Matter of the Application of,

Yosef Gerson,
Petitioner-Appellant,

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

-against-

M-767
Index No. 100875/16

Albert Einstein College of Medicine
of Yeshiva University,
Respondent-Respondent.

-----X

Petitioner having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about April 14, 2018,

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

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

ENTERED:



DEPUTY 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 March 29, 2018.

Present: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

In re Kevin McK.,

Petitioner-Appellant,

-against-

Elizabeth A. E.,

Respondent-Respondent.

CONFIDENTIAL

M-225

Docket Nos. V-1438-08

V-1438-08/15U

V-15245-07/15T

V-1438-08/14T

V-15245-07/14S

V-15245-07/14R

V-1438-08/14S

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 20, 2017 (Appeal No. 4317),

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:



DEPUTY 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 March 29, 2018.

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

-----X
Diego B. Aguilera and Luz M. Cardona,
Petitioners-Respondents,

-against-

Rafael Perez,
Respondent-Appellant,

M-544
NY County Clerk's No.
570611/16

-and-

"John Doe" and "Jane Doe,
Respondents.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about December 4, 2017,

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

It is ordered that the motion is denied.

ENTERED:



DEPUTY 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 March 29, 2018.

Present: Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick Justices.
Troy K. Webber,

-----X
Estate of Alexander Calderwood, etc.,

Plaintiff-Appellant,

M-176

Index No. 650150/15

-against-

ACE Group International LLC, 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 14, 2017 (Appeal Nos. 3983, 3984),

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:



DEPUTY 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 March 29, 2018.

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

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

-against-

M-248
Ind. No. 508/16

Waldy Mena Lopez,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 17, 2017 (M-4485), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2016, 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,

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, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:



DEPUTY 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 March 29, 2018.

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

-----X
In the Matter of

Destiny Marie M.,

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

- - - - -
Cardinal McCloskey Services,
et al.,
Petitioners-Respondents,

CONFIDENTIAL
M-425
Docket No. B-42928/13

Kristina M.,
Respondent-Appellant,

Phillip F.,
Respondent-Appellant.

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

-----X

Separate appeals having been taken from an order of the Family Court, New York County, entered on or about June 16, 2017,

And respondent-appellant father having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is denied with leave to renew upon perfection of the respective appeals.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 March 29, 2018.

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

-----X
In the Matter of the Commitment of
the Guardianship and Custody of

Diamond Supreme C.,

CONFIDENTIAL
M-699

Docket No. B-414/16

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

- - - - -
Graham Windham Services to Families
and Children, and Commissioner of
Social Services of the City of
New York,
Petitioners-Respondents,

Jose C.,
Respondent-Appellant.

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

-----X
Petitioner-respondent, Graham Windham Services to Families and Children, having moved for dismissal of respondent's appeal taken from an order of the Family Court, Bronx County, entered on or about March 3, 2017,

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

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

ENTERED:



DEPUTY 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 March 29, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In re New York City Asbestos Litigation,

Phyllis Brown, as Administratrix of the
Estate of Harry E. Brown, etc.,
Plaintiff-Appellant,

M-631
Index No. 190415/12

-against-

Bell & Gossett Company,
Defendant,

Consolidated Edison of New York, Inc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 10, 2017 (Appeal Nos. 205, 206),

Now, upon reading and filing the papers with respect to the motion, and the correspondence, dated February 8, 2018, filed by counsel for defendant-respondent, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 March 29, 2018.

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

-----x

Daniel Collin, et al.,
Plaintiffs-Respondents,

-against-

Park Right Corporation,
Defendant,

M-414
Index No. 158134/15

-and-

415 PR LLC,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about December 5, 2016, and said appeal having been perfected,

And plaintiffs-respondents having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is granted, and the appeal is dismissed (CPLR 5511).

ENTERED:


DEPUTY 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 March 29, 2018.

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

-----x
Syed Aftab Karim, MD, FAANS,
Plaintiff-Respondent,

-against-

M-1164

Index No. 100720/14

Ramanathan Raju, MD, MBA, FACS, FACHE,
etc., et al.,
Defendants-Appellants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 7, 2016 and June 22, 2017, and the appeal from the order entered November 7, 2016 having been perfected,

And defendants-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal from the order entered on or about November 7, 2016 to the September 2018 Term, and enlarging the time to perfect the appeal from the order entered on or about June 22, 2017 to said Term. If the appeal from the order entered on or about June 22, 2017 is so perfected, the Clerk is directed to calendar the both appeals for hearing together in said September 2018 Term.

ENTERED:



DEPUTY 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 March 29, 2018.

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

-----X
Isaac Eida,
Plaintiff-Appellant,

-against-

M-269
Index No. 156986/12

The Board of Managers of the 135
Condominium,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2017,

And plaintiff-appellant having moved to stay the entry of judgment or enforcement of a bill of costs and attorneys' fees, pending determination of the appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before July 9, 2018 for the September 2018 Term.

ENTERED:



DEPUTY 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 March 29, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Bryan Pope, Jr., an infant by his
parent and natural guardian,
Bryan Pope, and Bryan Pope,
individually,
Plaintiffs-Appellants,

-against-

M-337
Index No. 310509/10

American United Transportation II
Inc., et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 4, 2014,

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:



DEPUTY 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 March 29, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
Marjorie Givens, by her Attorney-in-Fact,
Glenn Givens,
Plaintiff-Appellant,

-against-

M-433
Index No. 25103/15E

Kingsbridge Heights Care Center, Inc.,
Kingsbridge Heights Care Center, Inc.
doing business as Kingsbridge Heights
Rehabilitation and Care Center and
Kingsbridge Heights Rehabilitation and
Care Center,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 9, 2017,

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

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

ENTERED:



DEPUTY 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 March 29, 2018.

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

-----X
Alfred McKenzie,
Petitioner-Landlord-Respondent,

-against-

M-461
Index No. 570138/17

Akanni Damazio,
Respondent-Tenant-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about November 29, 2017, and for a stay of eviction,

And, an interim stay of eviction having been granted by a Justice of this Court on January 26, 2018,

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

It is ordered that the motion for leave to appeal, and for a stay is denied, and the interim relief vacated.

ENTERED:



DEPUTY 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 March 29, 2018.

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

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

Respondent,

-against-

M-555
Ind. No. 70/15

Fabian Coke,

Defendant-Appellant.
-----X

Defendant having moved for limited poor person relief to prosecute the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 6, 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 permitting the appeal to be heard on the original record and typewritten briefs under Bronx County Ind. No. 70/15, and

It is further ordered that 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.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 March 29, 2018.

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

-----X
In the Matter of the Arbitration
Claim of

Lorna Martin,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
of the Civil Practice Law and Rules,
and Education Law 3020-a

M-558
Index No. 652851/15

-against-

The Department of Education of
the City of New York, et al.,
Respondents-Respondents.

-----X

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

ENTERED:



DEPUTY 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 March 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Richard T. Andrias
Ellen Gesmer, Justices.

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

-against-

M-216
Ind. No. 2334/15

Tiffany Murdaugh,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 11, 2017 (M-1166), 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 August 3, 2016, 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,

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, 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 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:



DEPUTY 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 March 29, 2018.

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

-----X
Lamont Harris and Jennifer Harris,
Plaintiffs-Respondents,

-against-

M-159
Index No. 109770/10

Morton's Restaurant Group, Inc.,
and Morton's of Chicago/White
Plains, LLC, also known as
Morton's The Steakhouse,
Defendants-Appellants.

-----X
Morton's Restaurant Group, Inc.,
and Morton's of Chicago/White
Plains, LLC, also known as
Morton's The Steakhouse,
Third-Party Plaintiffs-Appellants,

-against-

Steve Connolly Seaford Co., and
Island Creek Oysters,
Third-Party Defendants-Respondents.

-----X

Third-party defendant-respondent Steven Connolly having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 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 denied.

ENTERED:



DEPUTY 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 March 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

Alexander Ashkenazi, etc.,

Plaintiff-Appellant,

M-42

Index No. 115034/07

-against-

AXA Equitable Life Insurance Company,

Defendant-Respondent.

-----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 November 30, 2017 (Appeal No. 5085),

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:



DEPUTY 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 March 29, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Richard T. Andrias
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Patricia Kenny,
Plaintiff-Respondent,

-against-

Turner Construction Company, et al.,
Defendants,

M-6621
Index Nos. 603387/06
590746/07
590556/10
590243/11

The Corporate Source, Inc.,
Defendant-Appellant.

Patricia Kenny,
Plaintiff-Appellant,

-against-

Turner Construction Company, et al.,
Defendants-Respondents,

The Corporate Source, Inc., et al.,
Defendants.

[And a Third and Fourth-Party Actions]

-----X
Defendant-appellant, The Corporate Source, Inc., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 16, 2017 (Appeal Nos. 4970, 4971),

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:



DEPUTY 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 March 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Richard T. Andrias
Anil C. Singh
Peter H. Moulton, Justices.

-----X
Roberto Haibi, etc.,
Plaintiff-Respondent,

-against-

M-6592
Index No. 116364/09

790 Riverside Drive Owners, Inc.,
individually and doing business as
Rivera Cooperative, et al.,
Defendants-Appellants.
-----X

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 November 16, 2017 (Appeal No. 4648),

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:



DEPUTY CLERK

CORRECTED ORDER - April 13, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Barbara J. Fried, et al.,
Plaintiffs-Appellants,

-against-

M-114
Index No. 651461/11

Lehman Brothers Real Estate
Associates III, L.P., et al.,
Defendants-Respondents,

John Doe 1 Through 50,
Defendants.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 12, 2017 (Appeal No. 5185),

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:

DEPUTY 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 March 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Jan F. Karst,

Plaintiff-Appellant,

-against-

W.P. Carey, Inc.,

Defendant-Respondent.
-----X

M-125

Index No. 653827/15

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 January 2, 2018 (Appeal No. 4796, 4797),

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:



DEPUTY 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 March 29, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Andrew Zlotnick,

Plaintiff-Appellant,

M-6759

Index No. 23243/12E

-against-

New York Yankees Partnership, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 24, 2017 (Appeal Nos. 4788-89),

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:



DEPUTY 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 March 29, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Andrea Schrager,
Plaintiff-Appellant,

-against-

Brad Schrager,
Defendant-Respondent.

-----X

CONFIDENTIAL

M-743

Index No. 304056/16

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 April 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 September 2018 Term.

ENTERED:



DEPUTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Rolando T. Acosta
Presiding Justice

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

M-6296
Ind. No. 169/15

-against-

CERTIFICATE
GRANTING LEAVE

Howard Stokes,
Defendant-Appellant.
----- X

I, Rolando T. Acosta, Presiding Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about October 19, 2017.¹

Dated: March 6, 2018
New York, New York



; MAR 29 2018

NOTICE Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal is enlarged by the court or a justice thereof.

In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

-----X

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

M-236
Ind. No. 1331/09

ORDER DENYING LEAVE
UPON REARGUMENT

Raul Espino Defendant.

-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-5603), entered on January 19, 2017 which denied defendant's motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, defendant's application for reargument is denied and the order denying leave to appeal to this Court from the order of the Supreme Court, New York County, entered on of about September 20, 2016 is adhered to.

Entered


Justice of the Appellate Division

Dated: March, 29 2018
New York, New York

ENTERED:

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-567
Ind. No. 2017/09

-against-

CERTIFICATE
DENYING LEAVE

Johnny Lynch,


Defendant.

-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law sections 450.15 and 460.15 fails to present any question of law or fact which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 16, 2017 is denied.

ENTERED

MAR 29 2018



Hon. Ellen Gesmer
Associate Justice

Dated: March 5, 2018
New York, New York

ENTERED:

J

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

-against-

Nathaniel Green,

Defendant.

M - 570
Ind. Nos. 2259/13
3953/14
5679/14

CERTIFICATE
DENYING LEAVE

-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Laura A. Ward, J.), dated July 18, 2017, is hereby denied.

Dated: March 8, 2018
New York, New York

ENTERED

MAR 29 2018

Hon. Cynthia S. Kern
Associate Justice

ENTERED:

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

✓

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

Respondent,
-against-

Donelle Murphy
Defendant-Appellant.
-----X

Confidential
M-307
Ind. No.
5633/2013

CERTIFICATE
GRANTING LEAVE

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about January 16, 2018.¹

Dated: February 20, 2018
New York, New York

ENTERED

MAR 29 2018

Hon. Anil C. Singh
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

XIn the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-399
Ind. No. 7016/89

-against-

CERTIFICATE
DENYING LEAVE

Luis Nunez,
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Daniel P. Conviser, J.) entered on or about December 8, 2017 is hereby denied. Defendant's request for poor person relief is denied as academic.

Dated: February 27, 2018
New York, New York

MAR 29 2018



Hon. Peter H. Moulton
Associate Justice

Entered

ENTERED: