

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

M-1192
Ind. No. 6606/03

Kyle Jenkins,
Defendant-Appellant.

-----x

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 31, 2013,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Russell H. Pollack,
Plaintiff-Appellant,

-against-

M-1387
Index No. 152227/15

46 East 82nd Street LLC, et al.,
Defendants-Respondents.

-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2018 Term, with leave to seek additional enlargements if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

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

-----X

Probate Proceeding, Will of
Saul Leiter,
Deceased.
M-1779
Surrogate's Court
File No. 2014-0067

- - - - -

Brian A. Raphan and Howard Greenberg,
Proponents-Respondents,
Abba Leiter,
Objectant-Appellant.

-----X

An appeal having been taken by objectant-appellant, Abba Leiter, to this Court from the order of the Surrogate's Court, New York County, entered on or about October 13, 2017,

And proponents-respondents having moved to vacate what they classify as a "sua sponte" restraint on the proponents contained in a probate decree dated December 13, 2017,

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

It is ordered that the motion is granted unless objectant's appeal is perfected for the October 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

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

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

Respondent,

-against-

M-877
Ind. No. 5147/14

Terrence Maynard,

Defendant-Appellant.
-----X

An order of this Court having been entered on September 1, 2016 (M-3667) 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 February 16, 2016, and assigning Richard M. Greenberg, Esq., predecessor counsel to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is denied, without prejudice to defendant, upon receipt of counsel's brief, to seek permission to file a pro se supplemental brief on the appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Miriam Casillas,
Petitioner-Appellant,

For a Judgment in the Nature of
a Mandamus Pursuant to Article 78
of The Civil Practice Law and Rules,

M-1341
Index No. 260286/17

-against-

Darcel D. Clark (Bronx County District
Attorney),
Respondent-Respondent.

-----X

A purported appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 7, 2017, in which Supreme Court declined to sign an order to show cause,

And petitioner-appellant, pro se, having moved for leave to prosecute the purported appeal as a poor person, upon the original record and reproduced petitioner's brief, for assigned 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 deemed one to include a request for relief pursuant to CPLR 5704, and is denied. The motion insofar as it seeks poor person relief and assigned counsel is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

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

-----X

Summer Zervos,
Plaintiff-Respondent,

-against-

M-1699
Index No. 150522/17

Donald J. Trump,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 20, 2018,

And defendant-appellant having moved for a stay of the action pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Anil C. Singh, Justices.

-----X
Barbara Dzidowska,
Plaintiff-Respondent,

-against-

The Related Companies, L.P., et al., M-770
Defendants-Respondents-Appellants, Index No. 452293/14

Fujitec America, Inc., doing business
as Fujitec Serge of New York,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for reargument of the decision and order of this Court, entered on January 4, 2018 (Appeal No. 5370),

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 May 17, 2018.

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

-----X
Jacqueline Toboroff Gross,
Plaintiff-Respondent-Appellant,

-against-

CONFIDENTIAL

M-1121

Fred Gross,
Defendant-Appellant-Respondent.

Index No. 313132/13

- - - - -
Aronson Mayefsky & Sloan, LLP,
Non-Party Respondent-Appellant.

-----X

Appeals and a cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 15, 2017 and from a judgment of the same Court and Justice, entered on or about April 25, 2017,

And a separate appeal having been taken by non-party respondent from the aforesaid order entered on or about March 15, 2017,

And non-party respondent-appellant having moved for dismissal of defendant's appeal taken from the judgment entered on or about April 25, 2017, bringing up for review the order entered March 15, 2017,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 18, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

Tatiana Nedeltcheva, et al.,

Plaintiffs-Appellants,

M-882

Index No. 160991/15

-against-

MTE Transportation Corp., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on January 2, 2018 (Appeal No. 5338N),

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 May 17, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Catherine Sweeney Singer, et al.,

Plaintiffs-Respondents,

-against-

M-1104
Index No. 153574/14

Muhammad Arif, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 1, 2016,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellants' counsel dated April 16, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 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,

M-1760

Ind. No. 3995/15

-against-

Richard Seaman,

Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 27, 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 May 17, 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-1723
Ind. No. 2961/12

Roberto Guzman,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 5, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 15, 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 May 17, 2018.

PRESENT: a 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-1727
Ind. No. 1359/14

Christian McFadden,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 26, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 15, 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 May 17, 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-1759

Ind. No. 2224/15

Ousmane Kaba,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on on or about November 22, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 23, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 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-1762

-against-

Ind. No. 4448/06

Jorge M.,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 21, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated April 2, 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 May 17, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
NYCTL 1998-2 Trust, and The Bank of
New York Mellon as Collateral Agent
and Custodian for the NYCTL 1998-2
Trust,

M-1443
Index No. 301861/13

Plaintiffs-Respondents,

-against-

Frederick H. Siemon,

Defendant-Appellant.
-----X

An order of this Court having been entered on April 3, 2018 (M-415/M-561) granting, on condition, plaintiffs-respondent's motion to dismiss defendant-appellant's appeal (M-415) taken from an order of the Supreme Court, Bronx County, entered on or about June 21, 2017, unless defendant-appellant perfects said appeal (M-561) for the September 2018 Term,

And defendant-appellant, in the instant motion (M-1443), having moved this Court, inter alia, for an enlargement of time to perfect his appeal, and for leave to supplement the record to include certain exhibits,

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 as unnecessary, in light of this Court's order dated April 3, 2018 (M-415/M-561), which granted an enlargement of time to perfect for the September 2018 Term. The motion is otherwise denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1373
Ind. No. 821/15

Joshua Monsanto,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 5, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 May 17, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1374
Ind. No. 740/17

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

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

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:


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 May 17, 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,

M-1375

-against-

Ind. No. 3946/08

Eshawn Almodovar,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 9, 2018, 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 May 17, 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-1082
Docket Nos. V-17726/16
V-17229/16/16A

Steven O.,
Respondent-Respondent.

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

-----X

Patricia L. Moreno, Esq., attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to 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 §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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.

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 May 17, 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

Toussaint Thoreau E.,
also known as
Toussaint E.,

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

- - - - -

The Children's Village,
Petitioner-Respondent,

CONFIDENTIAL

M-836

Docket No. B-40381/16

The Commissioner of the Administration for Children's Services of the City of New York,
Respondent-Respondent,

Allen E.,
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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 May 17, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Lee Pfeffer,
Plaintiff-Appellant,

-against-

M-916
Index No. 570538/17

Matthew Dempsey,
Defendant-Respondent.
-----X

Plaintiff 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 18, 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:



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 May 17, 2018.

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

-----X

So Fresh So Clean, LLC, et al.,

Petitioners-Appellants,

-against-

M-1603

Index No. 159590/17

Barclay Pharmaceuticals Limited,

Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 27, 2017,

And petitioners-appellants having moved for a stay of enforcement of an October 16, 2017 subpoena, issued by respondent to petitioner, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

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

Respondent,

-against-

M-1423
Ind. No. 4069/07

Willie Harris,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2008,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

In the Matter of the Application of
Jeffrey Johnson,

Petitioner-Appellant,

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

M-1094
Index No. 100106/17

-against-

State of New York Division of Housing
and Community Renewal, et al.,

Respondents-Respondents.

-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal taken from orders of the Supreme Court, New York County, entered on or about April 28, 2017 and May 1, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Frank Merendino,
Plaintiff,

-against-

M-1485
Index No. 154010/12

Costco Wholesale Corp., E.W. Howell
Co., LLC, and Merendino Corp.,
Defendants.

-----X
E. W. Howell Co., LLC,
Third-Party Plaintiff,

-against-

Third Party
Index No. 590987/12

Merendino Corp.,
Third-Party Defendant.

-----X
Costco Wholesale Corporation,
Fourth-Party Plaintiff,

-against-

Fourth-Party
Index No. 590224/13

E. W. Howell Co., LLC, and Merendino
Corp.,
Fourth-Party Defendants.

-----X
Costco Wholesale Corporation,
Fifth-Party Plaintiff-Respondent,

-against-

Fifth-Party
Index No. 595101/14

Starr Indemnity and Liability
Company,
Fifth-Party Defendant-Respondent,

Zurich American Insurance Company,
Fifth-Party Defendant-Appellant.

-----X

Fifth-party defendant-appellant Zurich, having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 17, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 2018 Term, with leave to seek further enlargements, if necessary.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

M-1220
Index No. 20428/06

Nancy Thompson, Lagoon Estates
Condominium; NYC Parking Violations
Bureau; NYC Environmental Control
Board; NYC Transit Adjudication
Bureau,
Defendants-Appellants.

-----X

Defendant-appellant Nancy Thompson having moved to stay a certain auction pending determination of defendant's motion for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 16, 2018 (Appeal Nos. 5465-5465A),

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

It is ordered that the motion is held in abeyance pending the outcome of the bankruptcy proceeding.

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 May 17, 2018.

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

-----x

Mutual Benefits Offshore Fund, Ltd.,
Plaintiff-Respondent,

-against-

Emanuel Zeltser, et al.,
Defendants,

M-1694
M-2020
Index No. 650438/09

Mark Zeltser, et al.,
Defendants-Appellants,

Kayley Investments, Ltd.,
Non-Party Appellant.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 18, 2018 and March 28, 2018,

And plaintiff-respondent having moved for (1) dismissal of the appeal taken by Mark Zeltser and Interel Corporation from the order entered January 18, 2018; (2) for dismissal of the appeal taken by Kayley Investments, Ltd. from the order entered on or about January 18, 2018, upon the grounds that Kayley is not an aggrieved party; and (3) setting a briefing schedule for the appeals (M-1694),

And non-party appellant Kayley Investments, Ltd. having cross-moved for a stay of the orders entered on or about January 18, 2018 and March 28, 2018, pending hearing and determination of the appeals taken therefrom (M-2020),

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

It is ordered that the motion is granted to the extent of granting dismissal of the appeal taken by Mark Zeltser and Interel Corporation from the order entered on or about January 18, 2018, unless the appeal is perfected for the November 2018 Term. That portion of the motion seeking dismissal of the appeal taken by non-party appellant Kayley Investments, Ltd. from the order entered on or about January 18, 2018 is denied, without prejudice to addressing the issue directly on the appeal, and it is further,

Ordered that the cross motion is granted, and the appeals from the orders entered on or about January 18, 2018 and March 28, 2018 are stayed on condition non-party appellant perfects the appeals for the November 2018 Term, and it is further,

Ordered that, sua sponte, the appeals are consolidated, and appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11(d) with respect to a joint record and costs thereof.

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 May 17, 2018.

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

-----X
Rosemarie A. Herman, etc., et al.,
Plaintiff-Respondent,

Avon Bard LLC, et al.,
Plaintiffs,

-against-

M-1700
Index No. 650205/11

Julian Maurice Herman, et al.,
Defendants-Appellants,

Michael Offit, et al.,
Defendants-Respondents.

(And a third-party action)
-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 26, 2017,

And defendants-appellants having moved for an order in the nature of a preliminary appellate injunction, pursuant to CPLR 5518, enjoining the sheriff from executing a deed to convey certain property and appointing a new managing agent thereto, pending hearing and 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 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 May 17, 2018.

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

-----X
Rosemarie A. Herman, etc., et al.,
Plaintiff-Respondent,

Avon Bard LLC, et al.,
Plaintiffs,

-against-

M-1700
Index No. 650205/11

Julian Maurice Herman, et al.,
Defendants-Appellants,

Michael Offit, et al.,
Defendants-Respondents.

(And a third-party action)
-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 26, 2017,

And defendants-appellants having moved for an order in the nature of a preliminary appellate injunction, pursuant to CPLR 5518, enjoining the sheriff from executing a deed to convey certain property and appointing a new managing agent thereto, pending hearing and 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 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 May 17, 2018.

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

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

-against-

M-1338
Ind. No. 2707/15

Jonathan K.,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 2, 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.

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:



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 May 17, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Utilisave, LLC,

Plaintiff-Appellant,

-against-

M-1137
Index No. 160139/14

Sasha Kanayev and Energy Spectrum,
Inc.

Defendants-Respondents.
-----X

An appeal having been taken to this Court from two order of the Supreme Court, New York County, entered on or about April 12, 2017 and May 12, 2017,

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

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:


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 May 17, 2018.

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

-----X
Gheorghe Petre,
Plaintiff-Appellant,

-against-

Alouidor & Associates, et al.,
Defendants-Respondents.
-----X

M-899
Index No. 570242/17

Plaintiff 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 27, 2017,

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

It is ordered that the motion is 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 May 17, 2018.

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

-----X
Afzal Mohammed and Helena Bassarally,

Plaintiffs-Respondents,

-against-

M-1208
Index No. 20242/12E

Con Edison, Inc., Consolidated Edison Company of New York, Inc. and Consolidated Edison Solutions, Inc.,

Defendants-Appellants.

-----X

Defendants-appellants 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 1, 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:


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 May 17, 2018.

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

-----X

In the Matter of

Raheem D.,

CONFIDENTIAL

M-1330

A Person Alleged to be a Juvenile
Delinquent,

Docket No. D-20831/16

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from an Order of Disposition of the Family Court, Bronx County, entered on or about June 15, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1223
Ind. No. 1493/15

Desean Irby,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 18, 2016 (M-6339), 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 October 13, 2015, and assigning the Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or in the alternative, to dismiss the appeal 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 May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1224
Ind. No. 3517/13

Desean Irby,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 5, 2015 (M-1539), 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 December 22, 2014, and assigning the Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or in the alternative, to dismiss the appeal 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 May 17, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

Peter Arnold, et al.,
Plaintiffs-Respondents,

-against-

M-1499

Index No. 158541/13

4-6 Bleecker Street LLC,
Defendant-Respondent-Appellant,

316 Bowery Realty Corp., et al.,
Defendants-Appellants-Respondents.

-----x

Defendants-appellants-respondents having moved for an order enlarging the record on appeal in connection with the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about June 1, 2017,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 2, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Richard A. Watson, personal
representative on behalf of
the Estate of Theodora Benedict,
Plaintiff-Appellant,

M-1157
Index No. 116709/09

-against-

Tarnow & Juvelier, LLP, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 10, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

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

-----X
In the Matter of the Application of
Rose A. Heavens,
Petitioner,

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

M-1403
Index No. 251184/14

-against-

New York State Office of Children
and Family Services,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about January 11, 2016,

And petitioner having moved for an enlargement of time to perfect the aforesaid proceeding, and for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to on or before August 6, 2018 for the October 2018 Term, and

It is further ordered that poor person relief is denied, with leave to renew, upon submission of a notarized affidavit in compliance with CPLR 1101 setting forth petitioner's assets and income.

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 May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
National Union Fire Insurance
Company of Pittsburgh, PA, and
Illinois National Insurance Company,
Plaintiffs-Respondents-Appellants,

-against-

The Roman Catholic Diocese of
Brooklyn; St. Joseph Services for
Children, Inc., formerly known as
Catholic Child Care Society of the
Diocese of Brooklyn, Inc.; Heart
Share I-Ilivian Services of New York,
Roman Catholic Diocese of Brooklyn,
Inc., formerly known as Catholic
Guardian Society of the Diocese of
Brooklyn, Inc.; SCO Family Services,
Inc., formerly known as
Saint Christopher-Ottilie,
Defendants-Appellants-Respondents,

M-1392
Index No. 653575/14

-and-

City of New York, et al.,
Defendants.

-----X
An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about May 25, 2017,

And plaintiffs-respondents-appellants having moved for an enlargement of time to perfect their cross appeal taken from the aforesaid judgment,

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 cross appeal to the September 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Patrik Harmancin,
Plaintiff-Appellant-Respondent,

-against-

M-1204
Index No. 159693/15

Henry E. Keil, Vera Keil,
HVG International Corp.
and HVG International Inc.,
Defendants-Respondents-
Appellants.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about May 26, 2017,

And all parties having moved for an enlargement of time to perfect the aforesaid appeal and cross appeal,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated March 2, 2018, 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:


CLERK