

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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom, Justices.

-----x  
Antonio Barbosa,

Plaintiff-Appellant,

-against-

M-4464

Index No. 156905/13

The City of New York,

Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the 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 March 2019 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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom, Justices.

-----x

Rodney Robertson, etc.,  
Plaintiff-Appellant,

-against-

**Confidential**

M-4473

Index No. 308074/11

Jewish Home Lifecare, et al.,  
Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about June 16, 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 March 2019 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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom, Justices.

-----X  
Leslie Moore Mira,

Plaintiff-Appellant,

-against-

M-4903  
Index No. 100583/17

Beth Harder, etc., et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 3, 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 deemed to be a motion seeking to vacate the automatic dismissal of the appeal pursuant to 22NYCRR 1250.10(c) and, as such, the motion is granted and plaintiff's time to perfect the appeal is enlarged to the March 2019 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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----X  
Jonathan Rozoff,

Plaintiff-Respondent,

-against-

Meredith Shin,

Defendant-Appellant.  
-----X

**M-4828**

**M-5020**

Index No. 300603/14

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a partial judgement of the Supreme Court, New York County, entered on or about October 23, 2017 (M-4828), and plaintiff-respondent cross-moves to dismiss said appeal (M-5020),

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

It is ordered that the cross-motion is granted if the appeal is not perfected by the March 2019 Term (M-5020), accordingly, defendant-appellant's motion for an enlargement is granted to the extent of enlarging the time to perfect the appeal to the March 2019 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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4850  
Ind. No. 1395/14

Abdoulaye Sow,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 8, 2016 (M-562), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 18, 2015, under Indictment No. 1395/14, and assigning The Legal Aid Society to prosecute said appeal,

And an order of this Court having been entered on April 13, 2017 (M-960), striking the designation of said assigned counsel and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, as appellate counsel, and continuing the previously granted poor person relief,

And defendant-appellant's assigned counsel, the Center for Appellate Litigation, having moved to dismiss the aforesaid appeal as abandoned, without prejudice to reinstatement at such time as defendant-appellant again becomes amenable to the jurisdiction of this Court,

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

(M-4850)

-2-

November 27, 2018

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn under New York County Ind. No. 1395/14.

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 November 27, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----X

In the Matter of the Application of Jay Sarkar,

Petitioner-Appellant,

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

M-4870  
Index No. 150147/17

-against-

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

-----X

Petitioner-appellant having moved for a further enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 7, 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 March 2019 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 November 27, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Wilmington Savings Fund Society, FSB, etc.,  
Plaintiff-Appellant-Respondent,

-against-

Sung R. Park, etc., et al.,  
Defendants,

**CONFIDENTIAL**

M-5004  
Index No. 32059/17E

-and-

East Fork Capital Equities LLC,  
Defendant-Respondent-Appellant.

-----x

Separate appeals having been taken to this Court by plaintiff from orders of the Supreme Court, Bronx County, entered on or about November 15, 2017 and June 21, 2018, respectively; and defendant-respondent East Fork Capital Equities LLC having taken a cross appeal from the order entered on or about June 21, 2018, and said direct appeals having been perfected,

And defendant-respondent-appellant having moved for an order striking plaintiff's brief and record on appeal to the extent it does not pertain to the November 15, 2017 order appealed from, and to adjourn the appeal pending determination of this motion,

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



It is ordered that the motion is denied, and the Clerk is directed to maintain the appeal on this Court's calendar for the January 2019 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 November 27, 2018.

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

-----X

Alexandra Kasmin,  
Plaintiff-Appellant,

-against-

Paul Kasmin,  
Defendant-Respondent.

-----X

**Confidential**

**M-4962**

Index Nos: 312595/11  
305550/14

Consolidated appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 30, 2015 and March 23, 2017 and April 5, 2017 (2 orders) and October 12, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated September 12, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

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

-----X  
Brian Connolly,  
Petitioner-Respondent,

-against-

M-5120  
Index No. 654115/16

Country-Wide Insurance Co.,  
Respondent-Appellant.

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about August 21, 2017 and from an order of the same court and Justice entered on or about January 12, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

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

-----X  
Country-Wide Insurance Company,  
Plaintiff-Appellant,

-against-

M-5121  
Index No. 159531/15

Brian Connolly,  
Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2017 and from an order in the same court and Justice, entered on or about December 26, 2017

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

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

-----X  
Eric Harris and Asha Harris,  
Plaintiffs-Appellants,

-against-

The City of New York,  
Defendant-Respondent.

M-5124  
Index No. 159610/14

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 22, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated October 8, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

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

-----X  
1350 LLC,  
Plaintiff-Respondent,

-against-

M-5153X  
Index No. 155415/15

Cogswell Realty, LLC, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 19, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 17, 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 November 27, 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-4609  
Ind. No. 38/16

Wermany Pagon, also known as  
Wilmary Pagan, also known as  
Laura Quinones,  
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 November 16, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4773  
Ind. No. 1958/17

Philip Moreno,  
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 January 11, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4774  
Ind. No. 1403/17

Nathaniel Lipford,  
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 January 30, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4779  
Ind. No. 4043/17

Luis Perez,  
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 January 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4780  
Ind. No. 3378/17

Faisske Wise-Boyd,  
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 January 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4781  
Ind. No. 4989/16

Franky Lambe,  
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 January 30, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4782  
Ind. No. 2878/17

Angel Pajes,  
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 January 11, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 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-4785  
Ind. No. 3299/17

Eva Korolishin, also known as  
Eva Koroulishin,  
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 January 4, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4786  
Ind. No. 3668/15

Anthony Ramon,  
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 January 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4789  
Ind. No. 2204/16

Stephen Matias,  
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 January 30, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 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-4791  
Ind. No. 2728/17

Jose Hidalgo,  
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 January 16, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4792  
Ind. No. 2738/17

Marlon Navarro,  
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 January 16, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 2018.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-4793  
Ind. No. 767/17

Suzanne Martini,  
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 January 17, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Justine M. Luongo, 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 180 days from the date of receipt of the complete 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 November 27, 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-4851  
Ind. No. 1501/15

Michael Longo.  
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 March 16, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete 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 November 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Barbara R. Kapnick  
Troy K. Webber  
Peter H. Moulton, Justices.

-----x

Mark Scher,  
Plaintiff-Appellant,

-against-

M-4596  
Index No. 155267/18

Turin Housing Development Fund Co.,  
Inc., et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 6, 2018,

And plaintiff-appellant having moved for a stay and/or a preliminary appellate injunction enjoining defendant-respondent Turin Housing Development Fund Co., Inc.(Turin), its employees, officers, or anyone acting on their behest, from entering into a regulatory agreement with the New York City Department of Housing Preservation and Development or any other governmental or quasi-governmental agency that is binding on Turin, or imposing any terms of any such agreement on its shareholders, and enjoining defendants from enforcing or acting on the June 25, 2018 vote of Turin shareholders authorizing such regulatory agreement and/or amending the certificate of incorporation, 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 November 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Barbara R. Kapnick  
Troy K. Webber  
Peter H. Moulton, Justices.

-----x  
Margit Frenk,

Plaintiff-Appellant,

-against-

M-4908  
Index No. 650298/13

Yris Rabenou Solomon, etc., et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 10, 2018,

And defendants-respondents having moved for an order directing plaintiff-appellant to perfect their appeal,

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

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 November 27, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Angela M. Mazzairelli  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x  
3607 Broadway Realty, LLC,

Plaintiff-Respondent,

-against-

M-4524  
Index No. 654443/13

3607 Bwy Food Center, Inc., etc.,  
et al.,

Defendants-Appellants.  
-----x

Defendants-appellants 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 June 13, 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 on condition the appeal is perfected on or before December 31, 2018, for the March 2019 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 November 27, 2018.

Present - Hon. Rolando T. Acosta.                    Presiding Justice,  
                  Dianne T. Renwick  
                  Angela M. Mazzarelli  
                  Ellen Gesmer  
                  Anil C. Singh,                                    Justices.

-----x

Sander Palaj, et al.,  
Plaintiffs-Respondents,

-against-

Marion Scott Real Estate, Inc.,  
Defendant-Appellant,

M-5428  
Index No. 307855/09

-and-

Paulino Valenzuela,  
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 8, 2017, and said appeal having been perfected,

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiffs-respondents dated November 1, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Amelia Correa,

Plaintiff-Respondent,

-against-

**M-4880**  
Index No. 23006/14E

3716-2 E. Tremont Associates, LLC,  
Weiss Realty LLC, AAH Corner Store  
Express Corporation,

Defendants,

Brewski's Bar & Grill, Inc.

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 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 March 2019 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 November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-4891**

Ind. No. 6170/09

Bartholomew Crawford,

Defendant-Appellant.

-----X

Defendant-appellant, via the Center for Appellate Litigation 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 November 6, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2019 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 November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Alvaro Fortich, Jr.,

Plaintiff-Respondent,

-against-

M-4913  
Index No. 250825/12

The City of New York, et al.,

Defendants-Appellants.

-----X

Defendants-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 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 to the extent of enlarging the time to perfect the appeal to the March 2019 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 November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
In the Matter of

Chris N.,  
and Melanie N.,

**CONFIDENTIAL**  
**M-4929**

Children Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act. Docket Nos. NA-1610/17  
NA-1611/17

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

Sam Bruno R.,  
Respondent-Appellant,

Marilu T.,  
Respondent.

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

-----X  
An order of this Court having been entered on April 5, 2018(M-841) granting respondent-appellant leave to prosecute, as a poor person, the appeal from two orders of the Family Court, New York County, both entered on or about January 31, 2018, and assigning Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. (914) 949-8214, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve assigned counsel and to withdraw said 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 striking the designation of assigned counsel Steven N. Feinman, Esq., as counsel to prosecute respondent's appeal; and it is further ordered that the appeal is deemed withdrawn.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

In the Matter of The Board of Education  
of the City School District of New York,  
Petitioner-Respondent,

To Vacate a Decision of a Hearing Officer  
Pursuant to Article 75 of the Civil  
Practice Law and Rules,

-against-

M-4931  
Index No. 450585/16

Shelly Jones Crooks,  
Respondent-Appellant,

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about July 31, 2017 and January 16, 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 appeals to the March 2019 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 November 27, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Angela M. Mazzarelli  
Cynthia S. Kern  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
Maria A. Karpov,

Plaintiff-Respondent,

-against-

Andrei Shiryaev,

Defendant-Appellant.  
-----x

**Confidential**

M-5179

Index No. 307487/09

Defendant-appellant having moved for a stay of a proceeding pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 28, 2018,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated October 12, 2018, is vacated.

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 November 27, 2018.

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

-----x

Dana Escoffier,  
Plaintiff-Appellant,

-against-

M-4843  
Index No. 151487/14

Amalgamated Bank,  
Defendant-Respondent.

- - - - -  
[And a third-party action]

-----x

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

An order an order of this Court having been entered on September 13, 2018 (M-3727), inter alia, denying plaintiff-appellant's motion for poor person relief, and granting an enlargement of time to perfect the appeal to the January 2019 Term,

And plaintiff-appellant having moved for reconsideration of the order entered on September 13, 2018 (M-3727), and for a further enlargement of time to perfect 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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom  
Peter H. Moulton, Justices.

-----x  
NYCTL 1998-2 Trust and The Bank of  
New York Mellon, etc.,  
Plaintiff-Appellant,

-against-

127 W 138<sup>th</sup> Street LLC,  
Defendant-Respondent,

M-4912  
Index No. 153796/15

Seedco Financial Services, Inc.,  
et al.,  
Defendants.

-----x  
Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about June 12, 2018, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated September 25, 2018, is vacated.

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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom  
Peter H. Moulton, Justices.

-----x  
The People of the State of New York  
ex rel. Michelle McGrath, Esq.,  
on behalf of Saikou Sumareh,  
Petitioner-Appellant,

-against-

M-5345  
Index No. 250249/18  
Ind. No. 1682/18

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

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about October 17, 2018, which denied and dismissed petitioner-appellant's application for a writ of habeas corpus,

And petitioner-appellant having moved for an order releasing appellant on his own recognizance or, in the alternative, reducing bail to an appropriate amount and form, pending hearing and determination of the appeal, for expedited hearing of the appeal, for leave to prosecute the appeal as a poor person, and for the assignment of counsel,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files an original, five hard copies and, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with the payment of the required fee for subpoena and filing of the record



Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal on or before February 20, 2019 for the April 2019 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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Peter Tom  
Peter H. Moulton, Justices.

-----x

Sondra Neuschotz,  
Plaintiff-Respondent,

-against-

M-5407  
M-5441

Nilson Neuschotz,  
Defendant-Appellant,

Index No. 311514/09

-and-

Robert G. Smith, PLLC,  
Non-Party Appellant.

-----x

A joint appeal having been taken by defendant-appellant and non-party appellant from an order of the Supreme Court, New York County, entered on or about July 25, 2017, and said appeal having been perfected,

And non-party appellant having moved (M-5407) for an order (1) extending its time to file a corrected appendix by 90 days; (2) declaring that the transcripts dated May 10, 2016, January 23, 2017, January 24, 2017, January 31, 2017, February 6, 2017, February 27, 2017, June 28, 2017, June 30, 2017, July 10, 2017, July 12, 2017, and July 19, 2017 comply with CPLR 5525; and (3) directing plaintiff-respondent's counsel, Blank Rome, LLP, to disclose and produce any other hearing transcripts in its possession within 30 days,

And plaintiff-respondent having cross-moved (M-5441), pursuant to CPLR 5528(a)(5) and the Rules of this Court, for an order dismissing non-party appellant's appeal on the ground that non-party appellant has stated his intent to file a deficient appendix, in violation of the order of this Court entered on September 25, 2018 (M-4276/M-4329),

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 (M-5407) is granted to the extent of directing plaintiff-respondent's counsel, Blank Rome, LLP, to submit the trial transcripts dated February 28, 2017, March 7, 2017, March 13, 2017 and July 18, 2018 to non-party appellant by December 31, 2018. Non-party appellant is directed to file a supplemental appendix with those transcripts on or before January 28, 2019 for the April 2019 Term, to which Term the perfected appeal is adjourned.

It is further ordered that the cross motion (M-5441) to dismiss non-party appellant's appeal 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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4608  
Ind. No. 4321/15

Robert Mina, et al.

Defendant-Appellant.

-----X

Defendant-appellant, Robert Mina, having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), including setting forth the amount and sources of funds to pay the fee of trial counsel, Steven Scaring, Esq., and to post the \$100,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act.  
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Sune G.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
M-4907

Docket Nos. V-10482-13C  
V-10482-13

-against-

Michelle M.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from orders of the Family Court, New York County, entered on or about July 9, 2018 and the purported appeal from an order of the same court entered on or about July 19, 2018 and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from respondent-appellant's Family Court attorney dated September 10, 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 November 27, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x

In the Matter of the Application of the State of New York,

Petitioner-Respondent,

-against-

**M-4939**

Index No. 30202/16

Jesus H. (DIN)94A4662,  
A Respondent in the Custody of the New York State Office of Mental Health,

Respondent-Appellant,

For Civil Management Pursuant to Article 10 of the Mental Hygiene Law.

-----x

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about August 28, 2018,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court one transcript of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, New York 10010, Telephone No. 646-386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of the receipt of the complete 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 November 27, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

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

-against-

M-4951  
Ind. No. 4318/12

Anthony Jenkins,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 10, 2015 (M-4466), inter alia, striking the designation of assigned counsel The Legal Aid Society and substituting the Office of the Appellate Defender, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2015, and continuing the previously granted poor person relief,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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

It is ordered that the motion to abate the appeal is granted and the matter is remanded to the Supreme Court, New York County, to vacate the Judgment of conviction and to dismiss the indictment (New York Co. Ind. No. 4318/12) by reason of the death of the defendant on July 18, 2018.

ENTERED:

  
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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 November 27, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

Pimco Absolute Return Strategy  
3D Offshore Fund LTD., et al.,

Plaintiffs-Appellants,

-against-

**M-4983**

Index No. 654743/17

Wells Fargo Bank, National  
Association,

Defendant-Respondent.

-----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 December 11, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2019 Term.

ENTERED:

  
CLERK

CORRECTED ORDER - November 29, 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 November 27, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

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

M-4930  
Index No. 350404/11

-against-

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

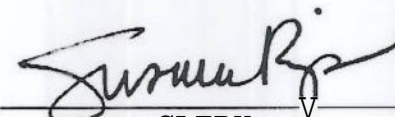
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 8, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the **March** 2019 Term, with no further enlargements to be granted.

ENTERED:

  
CLERK