

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 October 18, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
In the Matter of

Kalani H.,
Caylee H.,
and Manuel O. F.,

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

CONFIDENTIAL

M-4256
Docket Nos. NN-41286/16
NN-41287/16
NN-41288/16

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

Shantae H.,
Respondent-Appellant.

- - - - -
Dawne A. Mitchell, Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for Children Caylee H.
and Manuel F.,

Kira Ewig, Esq.,
Lawyers for Children,
Attorney for Child Kalani H.

-----X
An order of this Court having been entered on March 6, 2018 (M-6654), inter alia, granting respondent-appellant's motion for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about September 29, 2017, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, New York 10601, Telephone No. (914) 949-8214, Esq., as counsel to prosecute defendant's 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 October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-4163
Ind. No. 729/15

Junior Guzman,

Defendant-Appellant.
-----X

Defendant 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 December 6, 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, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this 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 October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-4099
Ind. No. 2620/16

Kervin Samuels,
Defendant-Appellant.

-----X

Defendant-appellant 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 December 12, 2016,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

Rutilio Pinzon-Cortez,
Defendant-Appellant.

CONFIDENTIAL
M-4123
Ind. No. 3379/15

-----X

Defendant-appellant 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 February 28, 2017,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----x

In the Matter of Alan Gerson and
Friends for Gerson,
Petitioners-Respondents-Appellants,

M-4776
Index No. 156711/16

-against-

New York City Campaign Finance Board,
Respondent-Appellant-Respondent.

-----x

An appeal and cross 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 November 22, 2017,

And respondent-appellant having moved for an enlargement of time to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the February 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 October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Marcy L. Kahn
Ellen Gesmer
Anil C. Singh, Justices.

-----x

Koya Abe,
Plaintiff-Appellant,

-against-

M-4669
Index No. 105985/10

New York University, et al.,
Defendants-Respondents.

- - - - -

Koya Abe,
Plaintiff-Appellant,

-against-

Index No. 157465/16

New York University, et al.,
Defendants-Respondents.

-----x

Consolidated appeals having been taken to this Court by plaintiff-appellant from two orders of the Supreme Court, New York County, entered on or about April 2, 2018, the single order entered on or about April 3, 2018, the single order entered on or about December 19, 2017, and two orders entered on or about December 5, 2017, under Index Nos. 105985/10 and 157465/16,

And plaintiff-appellant having moved for a stay of trial pending hearing and determination of the consolidated appeals,

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

It is ordered that the motion is denied.

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 October 18, 2018.

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

-----X

Luther S. Pate, IV,
Plaintiff-Appellant,

-against-

M-3856

Index No. 654058/15

BNY Mellon-Alcentra Mezzanine III,
LP, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on July 5, 2018 (Appeal No. 7067),

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 October 18, 2018.

Present - Hon. Diane T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer, Justices.

-----X
Steven R. Leventhal, etc.,
Plaintiff-Appellant,

-against-

M-4007
Index No. 100530/11

Bayside Cemetery, et al.,
Defendants-Respondents,

Community Association for Jewish
At-Risk Cemeteries, Inc.,
Defendant.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 5, 2018 (Appeal No. 7074N),

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 October 18, 2018.

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

-----X
Joseph Liporace, Jr., et al.,

Plaintiffs-Respondents,

M-3712

Index No. 153323/15

-against-

Neimark & Neimark, LLP, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 26, 2018, (Appeal Nos. 5408-5409),

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 October 18, 2018.

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

-----X
Michael Baptiste,

Plaintiff-Appellant,

M-4413X

Index No. 308590/11

-against-

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

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 26, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 5, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2018.

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

-----X
Anna Defalco,

Plaintiff-Respondent,

-against-

M-4424X
Index No. 303590/15

Anthony Federici and Maria Federici,

Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 2, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 4, 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 October 18, 2018.

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

-----X
Barbara Dennis, As Administratrix of
the Estate of Fred Dennis, and Barbara
Dennis, Individually,
Plaintiff-Respondent,

-against-

M-4426X
Index No. 302242/11

Montefiore Medical Center,
Defendant,

-and-

Daughters of Jacob Nursing
Home Company, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 18, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 4, 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 October 18, 2018.

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

-----X
Toho Shoji (New York) Inc.,
Plaintiff-Appellant,

-against-

M-4149
Index No. 153221/18

VBG 990 AOA Member LLC &
VBG 990 AOA LLC,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 10, 2018,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated August 30, 2018, and due deliberation having been had thereon,

It is ordered that the within motions, as well as plaintiff-appellant's notice of 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 October 18, 2018.

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

-----X

Julianna Collections Corp.,
Plaintiff-Appellant,

-against-

M-4147
Index No. 153218/18

VBG 990 AOA Member LLC &
VBG 990 AOA LLC,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 10, 2018,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated August 30, 2018, and due deliberation having been had thereon,

It is ordered that the within motion, and plaintiff-appellant's notice of 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 October 18, 2018.

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

-----X
Henry Nolan,

Plaintiff-Respondent,

-against-

M-3479

M-3804

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

Index No. 21907/15E

Defendants-Appellants,

Silverstein Properties, Inc.,
Defendant.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 12, 2018 (Appeal Nos. 6851-6852) [M-3479],

And plaintiff-respondent having cross-moved to enlarge the record on appeal to include certain documents [M-3804],

Now, upon reading and filing the papers with respect to the motion and cross motion, including the stipulation of the parties dated September 10, 2018, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are deemed withdrawn [M-3479/M-3804].

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 October 18, 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-4146
Ind. Nos. 3724/17
1570/17

Fabian Greene,

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 June 26, 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 October 18, 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-4244

Ind. No. 3525/16

Hasahn D. Murray,

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 April 12, 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, 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 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 October 18, 2018.

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

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

Respondent,

CONFIDENTIAL

M-4285

-against-

SCID No. 99025/18

Jose Almonte,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about August 3, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 October 18, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny Jr.
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against- **M-4056**
Ind. No. 886/17

Desheen Evans,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 17, 2017, and for leave to prosecute the appeal as a poor person, 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 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 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 October 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-4095
Ind. No. 4884/15

Lloyd McKenzie,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2017, for leave to have the appeal heard 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, in compliance with CPLR 1101 and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, the terms of defendant's retainer agreement with trial counsel, and an explanation as to why similar funds are not available to prosecute this 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 October 18, 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,

Appellant,

-against-

M-3420A

Ind. No. 2963/09

Engels Gonzalez,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about May 18, 2018, and for 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 (1) 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 the People and an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, be filed with the Court pursuant to Section 1250.9 of the Practice Rules of the Appellate Division, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center of Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the February 2019 Term. The order of this Court entered on September 25, 2018 (M-3420) is hereby recalled and 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 October 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Peter Tom, Justices.

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

-against-

M-3672
Ind. No. 2678/12

Gabriel Perez,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate and trial counsel, and for related relief, in connection with a judgment of the Supreme Court, Bronx County (Judith Leib, J.), rendered or about on March 19, 2014,

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

It is ordered that the motion is 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 October 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-4075
Ind. No. 3340/15

Shaun Crandle,
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 March 2, 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 deeming the moving papers a timely filed notice of appeal.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Peter Tom, Justices.

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

-against-

M-3192
Ind. No. 3285/13

Ashell Jacob,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel, and for related relief, in connection with a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on March 26, 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 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 October 18, 2018.

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

-----X
In the Matter of

Frank Enrique S., Jr.,
Gabrielle G., and
Michael G.,

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

- - - - -
Catholic Guardian Services, et al.,
Petitioners-Respondents,

CONFIDENTIAL

M-3873

Karina Elizabeth F.,
Respondent-Appellant,

Docket Nos. V-11492/17
V-11486/17
V-11489/17
V-11488/17
V-24017/17
V-24012/17
V-24011/17

Mike G., Sr.,
Respondent.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the purported appeal taken from orders of the Family Court, New York County, entered on or about July 10, 2017 and December 14, 2017, for assignment of counsel, a free copy of the transcript, and 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 papers which include proof that the motion papers have been served, upon Kenneth Tuccillo, Esq., 591 Warburton Avenue, Suite 576, Hastings on Hudson, New York, 10701.

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 October 18, 2018.

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

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

Respondent,

-against-

M-4060
Ind. No. 7226/95

Henry Brown,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about June 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, 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 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 October 18, 2018.

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

-----X
In the Matter of the Application of
Frederick H. Siemon,

Petitioner-Appellant,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4219
Index No. 260350/17

-against-

New York State Office of
Temporary Disability
Assistance-HEAP,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 12, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and to enlarge the record on 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 October 18, 2018.

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

-----X

In the Matter of the Application of
Von Wynn,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4093
Index No. 100505/17

Patricia Bailey,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 6, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said 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 serve one copy of such brief upon the attorney for respondent 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 motion is otherwise denied.

ENTERED:


CLERK

CORRECTED ORDER - October 19, 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 October 18, 2018.

PRESENT: Hon. David Friedman, Justice Presiding.
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
Alexander Charles Ellsworth,
Plaintiff-Respondent,

CONFIDENTIAL

M-4275

-against-

Index No. 350433/04

Anne Yoakam Ellsworth,
Defendant-Appellant.

-----X
Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about April 19, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of appellate counsel, and for other relief, deemed to be a motion to renew and reargue the order of this Court entered on July 12, 2018 (M-2394),

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 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 for respondent 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 in this matter, and 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.

CORRECTED ORDER - October 19, 2018

(M-4275)

-2-

October 18, 2018

Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, is assigned as counsel for defendant-appellant for purposes of prosecuting the appeal. The order of this Court entered on October 18, 2018 (M-4275) is hereby recalled and 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 October 18, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4046
Ind. No. 371/17

Joe Herring,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 19, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of 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, with leave to renew upon defendant's submission of a detailed notarized affidavit establishing his indigency, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), including a statement of facts to show the merit of his contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value.

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 October 18, 2018.

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

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

Respondent,

-against-

M-4049

Ind. No. 1229/16

Tyrone Smith,

Defendant-Appellant.
-----X

Defendant 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 September 21, 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 petitioner-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), including a statement of facts to show his indigency, the merit of his contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value.

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 October 18, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Geraldo Morales, Infant, by Maria Lao,

Plaintiff-Respondent,

-against-

M-4434
Index No. 17212/04

The Salvation Army,

Defendant-Appellant.
-----x

Defendant-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 6, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 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 October 18, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4492
Ind. No. 4474/11

Dionis Mejia,

Defendant-Appellant.
-----x

Defendant-appellant having moved, through assigned counsel, for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 6, 2016,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 5, 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 to the February 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 October 18, 2018.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
The City of New York,

Plaintiff-Appellant,

-against-

M-4674
Index No. 450230/15

B Green Construction Corp.,

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 December 6, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 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 October 18, 2018.

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

-----X

In the Matter of a Custody/Visitation Proceeding Under Article 6 of the Family Court Act.

CONFIDENTIAL

M-3766

----- Docket Nos. V-38438-15/16B
Raymond S. H., Jr., V-38438-15/15A
Petitioner-Appellant, V-38438/15
-against- V-34060-15/16A
V-38438-15/16C

Nefertiti Star M.,
Respondent-Respondent.

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

-----X

Respondent mother having moved to dismiss the appeal taken from an order of the Family Court, New York County, entered on or about September 29, 2016,

And an order of this Court entered on January 10, 2017 (M-5163), having denied petitioner's motion for leave to appeal from the aforesaid order and for other 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, as unnecessary, leave to appeal having been denied by the aforesaid order of this Court, entered on January 10, 2017 (M-5163).

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 October 18, 2018.

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

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

-against-

M-4346
Ind. No. 967/12

Luis Vasquez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 18, 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 directing defendant to serve and file an original and five hard copies of his supplemental brief, pursuant to 22 NYCRR 1250.9, on or before December 3, 2018 for the February 2019 Term of this Court, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless all material furnished to appellant has been returned.

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 October 18, 2018.

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

-----x
In the Matter of the Application of
Steven Banks as the Commissioner of
Social Services of the City of
New York
Petitioner,

-against-

M-4229

Index No. 500123/17

For the Appointment of a Guardian
of the Personal Needs and Property
of,

Sonia B.,
An Alleged Incapacitated Person.

-----x
Lourdes Enriquez, as a purported respondent, having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 15, 2018, and for other 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.

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 October 18, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny Jr.
Judith J. Gishe
Angela M. Mazzarelli
Ellen Gesmer, Justices.

-----X

M.L.C. Construction, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-3350

Index No. 300251/12

Hui Ru Zhang, et al.,
Defendants-Appellants,

Regina Palazzo, et al.,
Defendants.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 5, 2018 (Appeal No. 6761),

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 October 18, 2018.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Allen C. Dawson,

Plaintiff-Appellant,

M-3458

Index No. 162361/15

-against-

New York University,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 19, 2018 (Appeal No. 6321),

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 October 18, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern, Justices.

-----x
936 Second Avenue L.P.,

Petitioner-Appellant,

-against-

M-4642
Index No. 656401/16

Wilson Evans 50th LLC,

Respondent-Respondent.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 12, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 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 October 18, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzaelli
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
Pavarini McGovern, LLC, et al.,

Plaintiffs-Appellants,

-against-

M-4683
Index No. 112808/11

Geiger Construction Company, Inc.,
et al.,

Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from four orders of the Supreme Court, New York County, all of which were entered on or about January 18, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 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 October 18, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Peter Tom
Angela M. Mazzarelli
Cynthia S. Kern, Justices.

-----x
Paul J. Napoli,

Plaintiff-Respondent,

-against-

M-4810
Index No. 159576/14

Marc J. Bern,

Defendant-Appellant.
-----x

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 22, 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.

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 October 18, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-4144
Ind. No. 4000/08

Maurice Parks,
Defendant-Appellant.

-----x

An order of this Court having been entered on March 20, 2018 (M-110), inter alia, granting defendant-appellant's motion 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 June 23, 2009, under Indictment No. 4000/08, and assigning counsel therefor,

And respondent having moved for an order dismissing defendant's 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 to dismiss is denied.

ENTERED:


CLERK

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

BEFORE: Hon. Barbara Kapnick,
Justice of the Appellate Division

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

M-3697
Ind. No. 6026/04

-against-

CERTIFICATE
DENYING LEAVE

Luis Arroyo,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Mandelbaum, J.), entered on or about May 21, 2018, is hereby denied.


Justice Barbara R. Kapnick

Dated: New York, New York
October 5, 2018

ENTERED OCT 18 2018

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

BEFORE: Hon. Barbara Kapnick,
Justice of the Appellate Division

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

M-4065
Ind. No. 3403/10

-against-

CERTIFICATE
DENYING LEAVE

Denzel Catlett,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Farber, J.), entered on or about May 1, 2018, is hereby denied.


Justice Barbara R. Kapnick

Dated: New York, New York
October 5, 2018

ENTERED OCT 18 2018

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

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

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

Respondent

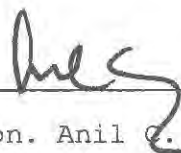
-against-

Arthur Franklin

Defendant.
-----X

M-3915
Ind. No.
5749/09
CERTIFICATE
DENYING LEAVE

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Ruth Pickholz, J.), entered on or about September 27, 2017 is hereby denied.



Hon. Anil C. Singh
Associate Justice

Dated: October 9, 2018
New York, New York

ENTERED: OCT 18 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 October 18, 2018.

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

-----x

Duane Reaves,
Plaintiff-Respondent,

-against-

Lakota Construction Group, Inc.,
et al.,
Defendants,

M-5002
Index No. 150350/12

214-27 Northern Boulevard, LLC,
Defendant-Appellant.

Bergon Construction Corp., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 6, 2018, 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 due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:


CLERK