

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 April 23, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Orly Genger, in her individual capacity and on behalf of the Orly Genger 1993 Trust (both in its individual capacity and on behalf of D & K Limited Partnership),
Plaintiff-Appellant,

CONFIDENTIAL

M-603

Index No. 109749/09

-against-

Dalia Genger, Sagi Genger,
Leah Fang, D & K GP LLC and
TPR Investment Associates, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order the Supreme Court, New York County, entered on or about March 16, 2017, which denied plaintiff's motion for leave to reargue and renew the Supreme Court's decision and order dated September 1, 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, deemed one seeking to vacate the dismissal of the appeal, is granted, and the time to perfect the appeal is enlarged to the September 2019 Term (see 22 NYCRR 1250.10).

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 April 23, 2019.

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

-----x
Jennifer Cangro,
Plaintiff-Appellant,

-against-

M-3691
Index Nos. 100761/15
100909/18

Park South Towers Associates and
Rose and Rose,
Defendants-Respondents.

-----x

An order of this Court having been entered on October 12, 2017 (*Jennifer Cangro v Park South Tower Associates, et al.*, Index No. 100761/15, Appeal No. 4641), unanimously affirming the order of the Supreme Court, New York County, entered on or about August 4, 2016, which granted defendants' motion to dismiss plaintiff's third complaint against them and imposed monetary sanctions on plaintiff, and, inter alia, enjoining plaintiff from commencing any further litigation relating to this matter without permission of this Court,

And plaintiff, pro se, having commenced a fourth action against defendants in Supreme Court, New York County, Index No. 100909/18, without seeking the permission of this Court,

And defendant Rose and Rose having moved for an order (1) holding plaintiff in civil contempt of this Court's October 12, 2017 order (Appeal No. 4641) and directing that she be incarcerated until she purges her contempt; (2) dismissing the fourth action against defendants; and (3) awarding defendants the costs, disbursements and expenses relating to this application, including reasonable attorney's fees,

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

It is ordered that the branch of the motion seeking to dismiss this fourth action against defendants, pending in Supreme Court, New York County, under Index No. 100909/18, is granted, and

It is further ordered that the branch of the motion seeking to hold plaintiff in civil contempt and to direct that she be incarcerated until she purges her contempt is denied. Plaintiff is directed to comply with this Court's October 12, 2017 order (Appeal No. 4641), including that she is enjoined from commencing any further litigation relating to this matter without permission of this Court, and this Court imposes an additional sanction on plaintiff pursuant to 22 NYCRR 130-1.1 in the amount of \$2,000 in light of her protracted history of frivolous litigation and the need to deter such conduct in the future. Plaintiff is directed to deposit the sum of \$2,000 with the Clerk of this Court within 30 days of the service of this order upon her with notice of entry for transmittal to the Commissioner of Taxation and Finance (See 22 NYCRR 130-1.1[b], 130-1.3), and

It is further order that the branch of the motion seeking an award of costs, disbursements and expenses relating to this application, including reasonable attorney's fees, is granted to the extent of remanding the matter to the Supreme Court, New York County, for determination of the appropriate costs and attorney's fees to be imposed on plaintiff relating to this application, payable to defendant-movant.

Defendant-movant is directed to personally serve a copy of this order upon the Clerk of the Supreme Court, New York County, within 10 days of the date of entry hereof.

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 April 23, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Antwan M.,
Petitioner-Respondent,

CONFIDENTIAL
M-6686

-against-

Docket Nos. V-05270-18
V-05270-18/18A

Corrine F. B.,
Respondent-Appellant.

Anna Schissel, Esq.,
Attorney for the Child.
-----X

Respondent-appellant, pro se, having moved for leave to appeal to this Court from two orders of the Family Court, New York County, both entered on or about December 17, 2018, and to stay enforcement of the orders insofar as they adversely affect respondent and further proceedings in the Family Court, pending hearing and determination of the appeal, 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 April 23, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

Tiffany Thomas,
Plaintiff-Respondent,

-against-

Raphael Weitzman and Weitzman Law
Offices, LLC,
Defendants-Appellants.

- - - - -
Weitzman Law Offices, LLC,
Third-Party Plaintiff-Appellant,

M-176
Index No. 151876/16

-against-

Tiffany Thomas, The Perecman Firm
P.L.L.C., Baron Associates, P.C.,
Richmond University Medical Center,
also known as Richmond Medical Center
and Mark L. Brandon, M.D.,
Third-Party Defendants-Respondents.

-----x

Defendants-appellants having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 30, 2018 and, upon vacatur, for an 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 granted to the extent of vacating the dismissal of the appeal and enlarging the time to perfect said appeal to the September 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 April 23, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

Jarel Moore,

Defendant-Appellant.
-----x

M-169
Ind. Nos. 1040N/15
2353/15
1504/16

Appeals having been taken to this Court from judgments of the Supreme Court, New York County, rendered on or about October 19, 2016 (Ind. No. 1040N/15), November 30, 2016 (Ind. No. 2353/15) and February 6, 2017 (Ind. No. 1504/16), and said appeals having been perfected,

And respondent The People having moved to hold the appeals from the judgments under Ind. Nos. 2353/15 and 1504/16 in abeyance pending the determination of defendant's appeal from the judgment under Ind. No. 1040N/15,

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. Sua sponte, the three appeals (Cal. Nos. 3071, 3138, 3055) are adjourned to the September 2019 Term, and the People are directed to file answering briefs, if so advised, under Cal. Nos. 3138 and 3055, on or before August 7, 2019 for said September 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 April 23, 2019.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

Manuel Cordero,
Defendant-Appellant.

CONFIDENTIAL

M-686
Ind. Nos. 2586/17
4348/17

-----X

An order of this Court having been entered on January 8, 2019 (M-5765) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2018, and assigning Christina A. Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Christina A. Swarns, Esq. as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Anil C. Singh, Justices.

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

-against-

M-389
Ind. No. 2787/16

Tyrone Thomas,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved to discontinue the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 13, 2016, as moot,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

Mark Parkinson,

Plaintiff-Appellant,

-against-

M-694

Index No. 158263/15

Fedex Corporation, et al.,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about March 20, 2018 and September 25, 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 consolidated appeals to the September 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 April 23, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Roberto Reynoso,
Plaintiff-Respondent,

M-528
M-713
M-714

-against-

Index No. 309797/10

St. Barnabas Hospital, Robert Chin, M.D.,
Lincoln Medical & Mental Health Center,
The New York City Health & Hospital
Corporation, John Loraditch, M.D.,
Bronx-Lebanon Hospital Center and
Quarry Road Emergency Service, P.C.,
Defendants-Appellants.

-----X

Defendant-appellant St. Barnabas Hospital having moved for an enlargement of time to perfect its appeal from an order of the Supreme Court, Bronx County, entered on or about May 23, 2018, (M-528),

And defendant-appellant Quarry Road Emergency Service, P.C., (M-713) and defendants-appellants John Loraditch, M.D. and Bronx Lebanon Hospital Center (M-714) having cross-moved for an enlargement of time to perfect their appeals from the aforesaid order of the Supreme Court, Bronx County, entered on or about May 23, 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 (M-528) and cross motions (M-714 and M-713) are granted to the extent of enlarging the time to perfect the separate appeals from the aforesaid order of the Supreme Court, Bronx County, entered on or about May 23, 2018, to the September 2019 Term. Upon the Court's own motion, the appeal taken by defendants-appellants Robert Chin M.D., The New York City Health & Hospitals Corporation sued herein as Lincoln Medical & Mental Health Center, and the New York City Health & Hospitals Corporation from the aforesaid order, is hereby enlarged to the September 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 April 23, 2019.

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,
Appellant,

-against-

Kenneth Elmore,
Defendant-Respondent.

-----X

CONFIDENTIAL

M-973

SCI. No. 30056/18

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about August 17, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated February 19, 2019, 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 April 23, 2019.

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

-----X

UWS Holdings Corp.,
Plaintiff-Respondent,

-against-

M-983
Index No. 650996/16

Darwish Rafi,
Defendant-Appellant,

-and-

Rafi Darwish Diamonds Ltd.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 23, 2018,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant, dated February 19, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 April 23, 2019.

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

-----X
Herman Blanco,
Plaintiff-Appellant,

-against-

M-985
Index No. 305190/11

Zipporah Associates, LP, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 24, 2018,

Now, upon reading and filing the correspondence from the attorney for plaintiff-appellant, dated February 13, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 April 23, 2019.

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

-----X
Prime Holdings Insurance Services, Inc.,
doing business as Claims Direct Access,
Plaintiff-Respondent,

-against-

M-986
Index No. 651979/18

Starr Surplus Lines Ins. Co. and
Revival Apartments, LLLP,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 26, 2018,

Now, upon reading and filing the correspondence from the attorney for defendant-appellants, dated February 6, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 April 23, 2019.

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

-----X
Reitter Resources, Inc., doing business
as Professional Accounting Sales,
Plaintiff-Respondent,

-against-

M-987
Index No. 652797/17

Richard Gilmartin,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 27, 2018,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant, dated February 12, 2019, and due deliberation having been had thereon,

It is ordered that the aforesaid appeal is 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 April 23, 2019.

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

-----X

Suzanne Roff-Wexler,
Plaintiff-Respondent,

-against-

M-1070
Index No. 160031/15

Morandi LLC,
Defendant,

-and-

Charles 15 Associates,
Defendant-Appellant.

-----X

An appeal having been taken by defendant Charles 15 Associates from an order of the Supreme Court, New York County, entered on or about June 26, 2018,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant, dated February 22, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is 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 April 23, 2019.

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-175
Ind. No. 1080/17

Francisco Quezada,
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 29, 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 April 23, 2019.

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-402
Ind. No. 2511/17

Deborah Roberts,
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 7, 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 April 23, 2019.

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-691
Ind. No. 1005/16

Scott Parilla,
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 December 19, 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 April 23, 2019.

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-763
Ind. No. 619/18

George Livermore,
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, 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 April 23, 2019.

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-1109
Ind. No. 3073/15

Morgan Shuler,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about January 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 10, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, Room 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 April 23, 2019.

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

-----X
In the Matter of

Alyssa S.,

A Child Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

CONFIDENTIAL

M-626

Docket No. NN-8279-18

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

Shakira M. S.,
Respondent-Appellant.

- - - - -
Janet E. Sabel, Esq., The Legal Aid Society,
Attorney for the Child.

-----X

Respondent-appellant mother, Shakira M. S., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about January 11, 2019, 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 certification of Rachel Turetsky, Esq., dated January 17, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, New York, 10016,

Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

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

-----X

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

- - - - -
Eushawn M. R.,
Petitioner-Appellant,

CONFIDENTIAL

M-733
Docket Nos. V-407-12/17A

-against-

Ayonna B.,
Respondent-Respondent,

- - - - -
Geoffrey Greenlees, Esq.,
The Children's Law Center,
Attorney for the Child.

-----X

Petitioner-appellant father, Eushawn M. R., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about July 2, 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 certification of Michael F. Dailey, Esq., dated July 26, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq.,

112 Madison Avenue, 8th Floor, New York, New York 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-74, dated April 23, 2019, released simultaneously herewith.)

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

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

-----X

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

- - - - -

Eushawn M. R.,
Petitioner-Appellant,

CONFIDENTIAL

M-74

Docket Nos. V-407-12/17A

-against-

Ayonna B.,
Respondent-Respondent.

- - - - -

Geoffrey Greenlees, Esq.,
The Children's Law Center,
Attorney for the Child.

-----X

Respondent-respondent mother, Ayonna B., having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about July 2, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief, the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Lee Coppage, Esq. dated August 23, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act,

Randall S. Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York, 11753, Telephone No. 603-313-1951, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-733, dated April 23, 2019, released simultaneously herewith.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

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-954
Ind. No. 509/16

Bruce Cole,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 14, 2019 (M-6263) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 3, 2018, and assigning Robert S. Dean, Esq., Center of Appellate Litigation, 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 Robert S. Dean, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X

Emiko Carlin,
Plaintiff-Appellant,

-against-

Christopher Pearce,
Defendant-Respondent.

- - - - -

Steven P. Forbes, Esq.,
Attorney for the Child.

-----X

CONFIDENTIAL
M-343
Index No. 308611/15

Elizabeth Fee, Esq., court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 11, 2018, determining issues of custody and visitation, 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 certification of Elizabeth Fee, Esq., dated January 15, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, New York 11432, Telephone No.: 718-791-8444, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that

one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

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 April 23, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-243
Ind. No. 4884/15

Lloyd McKenzie,
Defendant-Appellant.

-----X

Defendant having renewed his 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 November 2, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, New York 10594, Telephone No. 914-434-5935, 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 April 23, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-442
Ind. No. 3269/16

Derrick Holmes,
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 October 25, 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 April 23, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6259
Ind. No. 3833/16

Justin Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 3, 2017, for leave to prosecute said appeal as a poor person, and 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 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 April 23, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X
Levitt & Kaizer,
Plaintiff-Respondent,

-against-

M-272
Index No. 104127/09

Wayne Charles,
Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant-appellant from a Supplemental Decision and Order of the Supreme Court, New York County, entered on or about June 6, 2018,

And defendant-appellant having renewed his motion for leave to prosecute said appeal as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (see M-4081, decided October 9, 2018),

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 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 April 23, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----x
In the Matter of

Albiery R. E.,

CONFIDENTIAL

M-384

Docket No. D-21316/17

A Person Alleged to Be
A Juvenile Delinquent

Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Family Court, New York County, entered on or about April 20, 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, deemed one seeking vacatur of the dismissal of the appeal, is granted, and the time to perfect the appeal is enlarged to the September 2019 Term (see, 22 NYCRR 1250.10).

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 April 23, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----x

Mukul Arya,
Plaintiff-Respondent,

-against-

Neha Arya,
Defendant-Appellant.

-----x

CONFIDENTIAL

M-848

Index No. 314039/13

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from a Judgment of Divorce of the Supreme Court, New York County, entered on or about December 29, 2016 and, upon vacatur, for an 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 granted, the appeal reinstated, and the time to perfect the appeal is enlarged to the September 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 April 23, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Sallie Manzanet-Daniels
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Leslie Moore Mira,
Plaintiff-Appellant,

-against-

M-1699
Index No. 100583/17

Beth Harder (Evans), 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 January 3, 2018, and said appeal having been perfected,

And plaintiff-appellant having moved to have this Court take judicial notice of certain documents,

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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-85
Ind. No. 2255/15

Tyrell Myers,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant-appellant from a judgment of the Supreme Court, New York County, rendered on or about December 15, 2017,

And by order of this Court entered on November 8, 2018 (M-4362), this court having denied, with leave to renew, defendant's motion for poor person relief based upon the requirements of CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4),

And defendant-appellant having renewed his motion for leave to prosecute said appeal as a poor person, 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 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 April 23, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

-against-

Amir Jackson,
Defendant-Appellant.

M-478
Ind. Nos. 3183/14
4808N/15

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 8, 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 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 April 23, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-485
Ind. No. 1186/18

Angel Garcia,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 4, 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 deeming the notice of appeal as timely filed.

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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x
Jerome Jones,

Plaintiff-Appellant,

-against-

M-604
Index No. 150316/12

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 March 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 September 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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-444
Ind. No. 4189/14

Christopher Glover,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 30, 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 October 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 April 23, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
In the Matter of

Moriba K.,
Makoya K.,
Mariama K.,
Fanta K.,
and Sadik K.,

CONFIDENTIAL

M-679

Docket No. NA-28380-84/15

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

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

Djiba K.,
Respondent-Appellant.

- - - - -
Stacy-Ann Suckoo, Esq.,
Attorney for the Children.

-----X

Respondent-appellant having moved for a further enlargement of time to perfect the appeal taken from the Order of Fact-Finding and the Order of Disposition of the Family Court, Bronx County, entered on or about March 23, 2017 and March 28, 2017, respectively,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the December 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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

Marisol Morales,
Plaintiff-Respondent,

-against-

Cesar Cabral,
Defendant,

M-566
Index No. 21130/15

-and-

Elsie Morales,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 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, deemed one seeking vacatur of the dismissal of the appeal, is granted, and the time to perfect the appeal is enlarged to the September 2019 Term (see, 22 NYCRR 1250.10).

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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Tricia C.,
Petitioner-Appellant,

M-353
Docket Nos. V-17226/16
V-17229/16/16A

-against-

Steven O.,
Respondent-Respondent.

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

-----x
An appeal having been taken to this Court from two separate orders of the Family Court, Bronx County, both entered on or about December 20, 2017, and said appeal having been perfected,

And petitioner-appellant having moved for preference in hearing of the appeal,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

M-802
Ind. Nos. 39/15
4369N/15

Santino Boderick,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about January 18, 2017,

And defendant-appellant having moved for an order unsealing certain portions of the trial minutes from October 13, 2016, and providing them to appellate 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 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 April 23, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

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

-against-

M-6082
Ind. No. 192/92

Augustine Serrano,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 19, 1995 (Appeal No. 55498), unanimously affirming a judgment of the Supreme Court, New York County (Alvin Schlesinger, J.), rendered on August 11, 1992,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTERED:


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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr.,	Justice Presiding,
Rosalyn H. Richter	
Peter Tom	
Barbara R. Kapnick	
Jeffrey K. Oing,	Justices.

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

Respondent,

-against-

M-524
Ind. No. 3703/18

Bryant Johnson,

Defendant-Appellant.

-----X

Defendant having effectively moved to deem the late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 5, 2018, as timely filed,

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 notice of appeal timely filed.

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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

M-633
Ind. No. 513/17

Kevin Spruill,
Defendant-Appellant.

-----X

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

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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

Jansel Mejia,

Defendant-Appellant.
-----X

M-782

Ind. Nos. 3130/17
2445/17

Defendant having moved to deem the late notice of appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2018, as timely filed,

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 notice of appeal timely filed.

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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-280
Ind. No. 2634/16

Omar F. Ogando,
Defendant-Appellant.

-----X

Defendant-appellant 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 June 19, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-441
Ind. No. 1726/16

Roy Savage,
Defendant-Appellant.

-----X

Defendant-appellant 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 October 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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.

That branch of the motion which seeks to relieve trial counsel appointed by Supreme Court is denied, as unnecessary.

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 April 23, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-786

Ind. No. 1367/16

Daemon Jenkins, also known as
Dameon Jenkins,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about November 29, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 29, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal,

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

Samuel M. Braverman, Esq., Fasulo Braverman & Di Maggio, LLP, 225 Broadway, Suite 715, New York, NY 10007, Telephone No. 212-566-6213, 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6543
Ind. No. 4265/15

Eduardo Ramirez,
Defendant-Appellant.

-----X

An order of this Court having been entered January 31, 2019 (M-5713), deeming defendant-appellant's moving papers as a timely filed notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 18, 2018,

And defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the aforesaid judgment of the Supreme Court, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that that branch of the motion (M-6543) seeking to deem the moving papers a timely filed notice of appeal is denied, as unnecessary, the relief having already been granted by an order of this Court entered January 31, 2019 (M-5713), and

It is further 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.

Janet E. Sabel, Esq., The Legal Aid Society, 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

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

-against-

M-1127
Ind. No. 1563/15

Anthony Lora,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 6, 2017, 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 and five hard copies and, if represented by counsel, one digital copy thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, 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 October 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 April 23, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6468
Ind. No. 5745/07

Marvin Holmes,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on October 23, 2018 (M-4633), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County (Mark Dwyer, J.), entered on or about August 15, 2018, which denied his motion pursuant to CPL 440.10,

And an order of this Court having been entered on December 4, 2018 (M-4633A), granting defendant leave to prosecute, as a poor person, the aforesaid appeal and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Christina Swarns, Esq., Office of the Appellate Defender, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven A. Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, New York, 11556, Telephone No.: 516-522-2828,

as such counsel. The poor person relief previously granted is continued, and the time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1521
Ind. No. 4753/13

Kaazim Cooper, also known as Kazzim
Cooper,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 14, 2016 (M-6351), inter alia, granting defendant leave to prosecute the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 14, 2015, as a poor person, and assigning Richard Greenberg, Esq., predecessor to Christina Swarns, Esq., the Office of the Appellate Defender, as counsel to prosecute the appeal, and said appeal having been perfected.

And assigned counsel having moved to be relieved as counsel for defendant and for assignment of successor 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 denied, without prejudice to defendant-appellant filing a pro se supplemental brief, if so advised, on or before August 5, 2019 for the October 2019 Term, to which Term the appeal is adjourned. Upon defendant's request, 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 and until 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X
Linda Kirsch,
Plaintiff-Respondent,

-against-

M-681
Index No. 155451/17

Lincoln Center for the Performing Arts, Inc., et al.,
Defendants,

-and-

Bryan McCalister,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 30, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

Blake Tannen,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-706

Ind. No. 3531/16

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 9, 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 October 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----x

Juan Santos,
Plaintiff-Respondent,

M-513
Index No. 28581/16E

-against-

Carlos A. Pena,
Defendant-Appellant,

Stuart Alexander and Lessie
Serano,
Defendants.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 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, deemed one seeking vacatur of the dismissal of the appeal, is granted, and the time to perfect the appeal is enlarged to the September 2019 Term (see, 22 NYCRR 1250.10).

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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----x

E.K., an infant under the age of 18 years,
by his Parent and Natural Guardian
Rosemary Millington, and Rosemary
Millington, Individually,
Plaintiffs-Respondents,

M-646
Index No. 21977/12

-against-

Montefiore Medical Center,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an order, pursuant to 22 NYCRR 1250.10(c), vacating the dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 4, 2018 and, upon vacatur, for an 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 granted, the appeal reinstated, and the time to perfect the appeal is enlarged to the September 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Paramdeep Singh,
Plaintiff-Respondent,

-against-

M-664

Index No. 151010/14

Nalpak 1196 Company, LLC,
Defendant-Appellant.

Nalpak 1196 Company, LLC,
Third-Party Plaintiff-Appellant,

-against-

SPD 1196 Inc.,
Third-Party Defendant.

-----X

Defendant/third-party plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 17, 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 reinstating the appeal pursuant 22 NYCRR 1250.10(c), and enlarging the time to perfect said appeal to the September 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 April 23, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Troy K. Webber
Ellen Gesmer
Anil C. Singh, Justices.

-----X

The Board of Managers of Manhattan Place Condominium, on its own Behalf and on Behalf of Individual Unit Owners, and Manhattan Place Condominium,
Plaintiffs-Appellants,

-against-

M-859

Index No. 652240/17

616 First Avenue LLC, JDS Construction Group LLC, JDS Development LLC,
Defendants-Appellants,

Shop Architects P.C., WSP Cantor Seinuk Structural Engineers, and Buro Happold Consulting Engineers, P.C.

Defendants-Respondents.

Peterson Geotechnical Construction LLC.,
Third-Party Plaintiff,

-against-

Moretrench American Corporation,
Third-Party Defendant-Appellant.

-----X

Defendants-appellants 616 First Avenue LLC, JDS Construction Group LLC and JDS Development LLC, and third-party defendant-appellant Moretrench American Corporation, having jointly moved pursuant to 22 NYCRR 1250.10(c) for an order vacating the dismissal of their appeals taken from the same order of the Supreme Court, New York County, entered on or about May 29, 2018, and upon reinstatement, for an enlargement of time to perfect their appeals,

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

It is ordered that the motion is granted to the extent of reinstating the aforementioned appeals and enlarging the time to perfect said appeals to the September 2019 Term. The parties attention is directed to Rule 1250.9(f)(2).

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 April 23, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Barbara R. Kapnick
Peter H. Moulton, Justices.

-----X
David Demurjian and Richard Demurjian,
as Heirs-at-Law of Robert Demurjian,
Plaintiffs,

-against-

M-1058
Index No. 154345/15

Michael Demurjian, Michael Demurjian as
Executor of the Estate of Joan Demurjian
and 187 Street Mazal Manager LLC,
Defendants-Appellants,

-against-

187 Street Mazal Manager LLC,
Cross-Claim Plaintiff-Respondent,

661 West 187 Street LLC,
Additional Defendant on
Cross-Claims-Appellant.

-----X

An appeal having been taken to this Court by defendants and the additional defendant on cross-claims from an order of the Supreme Court, New York County, entered on or about January 24, 2019,

And appellants having moved for an order staying enforcement of discovery obligations imposed by the aforesaid order, which compelled appellants to produce tax returns and other confidential information, pending hearing and determination of the appeal, or in the alternative, modifying the order to limit discovery,

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 staying enforcement of the discovery obligations imposed by the order of the Supreme Court, New York County, entered on or about January 24, 2019, on condition that the appellants perfect their appeal for the October 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 April 23, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

M-483
Ind. No. 1939/15

Tommy Davis,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2018, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, Room 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 April 23, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

Christopher Collins,
Defendant-Appellant.

CONFIDENTIAL

M-381

Ind. No. 2144/15

-----X

An order of this Court having been entered on March 16, 2017 (M-762) granting defendant 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 29, 2016, and assigning Seymour W. James, Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, 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 Janet E. Sabel, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

M-475
Ind. No. 2166/13

Jonathan Austin,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 10, 2014,

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

It is ordered that the motion is granted to the extent that the time to perfect the appeal is enlarged to the October 2019 Term.

ENTERED:


CLERK