

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 December 5, 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
Keenan Mikhail S. and
Richard Timothy Y.,

Children Under the Age of 18 Alleged to
be Abused or Neglected
- - - - -
Administration for Children's Services
Petitioner-Respondent,

Confidential
M-7913

Docket Nos. NN-02117/18
NN-02118/18

Keith S.,
Respondent-Appellant,
- - - - -

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

-----X

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

Monique J.,
Petitioner-Respondent,

-against-

Docket No. O-01607/18

Keith S.,
Respondent-Appellant.
- - - - -

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

-----X

Appeals having been taken from orders of the Family Court,
Bronx County, entered on or about October 12, 2018,

And counsel for the subject children having moved to consolidate the aforementioned appeals or, in the alternative, for the appeals to be heard together,

Now, upon reading and filing the correspondence from counsel for the subject children dated October 25, 2019, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 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
Jenae L.,
Jamel L.,

Confidential

M-7978

M-7989

Children Under Eighteen Years of Age
Alleged to be Neglected by,

Docket Nos. NN-02626-27/19

Michelle B.,
Respondent-Respondent,

Commissioner of the Administration for
Children's Services of the City of
New York,
Petitioner-Appellant.

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

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about October 17, 2019,

And petitioner-appellant having moved for an order directing that respondent mother produce the subject child, Jamel L., for medical evaluation (M-7978),

And petitioner-appellant having moved, by correspondence from counsel, dated October 30, 2019, (M-7989), to withdraw its unperfected appeal and its application for the production of the subject child, Jamel L., for medical evaluation,

(M-7978 & M-7989)

-2-

December 5, 2019

Now, upon reading and filing the aforementioned correspondence, and due deliberation having been had thereon,

It is ordered that the appeal and motion are deemed withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

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

-----X
Vladimira Koch, also known as Vlad'ka Koch,
Plaintiff-Appellant,

Michal Koch, her son, Europa
Docu-Search, Inc., Eurovid, Inc.,
Eurovid FKK, Helios Natura, Europa
Docu-Search, s.r.o., Eurovidfkk, s.r.o.,
Plaintiffs,

-against-

M-8049X
Index No. 112337/07

Sheresky, Aronson & Mayefsky LLP,
David Aronson individually, Brager,
Wexler, Eigel & Morgenstern, P.C.,
Raymond A. Brager individually, Ragues
& Min, Esqs., Raymond Ragues
individually, and D'Agostino & Salvi,
LLP, Frank J. Salvi Individually,
Defendants-Respondents.

-----X

Appeals having been taken by plaintiff-appellant from five orders of the Supreme Court, New York County, one order entered on or about May 3, 2018, three orders entered on or about May 4, 2018 and one order entered on or about May 8, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 31, 2019, and due deliberation having been had thereon,

(M-8049X)

-2-

December 5, 2019

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation. Any other appeals filed in this matter remain extant.

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 December 5, 2019.

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

-----X
Naoki Yanagisawa,
Plaintiff-Respondent,

-against-

M-8050
Index No. 157025/16

Kyoto Omen U.S.A., Inc., Paarvo Rowe
and Gia Giasulo,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 11, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated November 1, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

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

-----X
Kelly Marages,
Plaintiff-Respondent,

-against-

M-8051

Index No. 158682/16

121 Realty (2013) LLC, Doron Kessel and
GMK Organization, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 26, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated October 24, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

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

-----X
Fidelity National Title Insurance
Company,
Plaintiff,

-against-

M-8052

Index No. 651748/19

NR Property 2 LLC,
Defendant-Respondent-Appellant,

Hello Living LLC and Hello Gerard LLC,
Defendants-Appellants-Respondents.

-----X

An appeal and cross-appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated October 31, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and cross-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 December 5, 2019.

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

-----X
Spectrum Stamford, LLC,
Plaintiff-Respondent,

-against-

M-8054

Index No. 650635/18

400 Atlantic Title, LLC,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 29, 2019,

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated October 25, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

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

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X
Eileen Pomponi As Administratrix of
the Estate of Italo A. Pomponi, and
Eileen Pomponi, Individually,
Plaintiffs-Respondents,

-against-

M-8055X
Index No. 190101/15

Mannington Mills, Inc.,
Defendant-Appellant,

A.O. Smith Water Products CO., et al.,
Defendants.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 21, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 30, 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 December 5, 2019.

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

-----X
SSC NY Corp. formerly known as
Sunrise Securities Corp.,
Plaintiff-Respondent,

-against-

M-8056X
Index No. 655048/16

Inveshare Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 2, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 30, 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 December 5, 2019.

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

-----X

U-Trend New York Investment L.P.,
Individually and Derivatively on Behalf
of Nominal Defendant Hospitality Suite
International, S.A. and its wholly-owned
subsidiary US Suite Corp.,
Plaintiff-Appellant-Respondent,

-against-

M-7871
Index No. 652082/14

US Suite LLC and 440 West 41st LLC
Defendants,

Aura Investments Ltd.,
Defendant-Respondent-Appellant,

-and-

Hospitality Suite International, S.A.
and US Suite Corp.,
Nominal Defendants=Respondents.

-----x

U-Trend New York Investment L.P.,
Individually and Derivatively on Behalf
of Nominal Defendant Hospitality Suite
International, S.A. and its wholly-owned
subsidiary US Suite Corp.,
Plaintiff and Counterclaim-Defendant-
Appellant-Respondent,

Index No. 650498/15

-against-

Aura Investments Ltd.,
Defendant and Counterclaim-
Plaintiff-Respondent-Appellant,
[Caption Continued]

Yaacov Atrakchi, Michael Kleiner and
Yohai Abtan,
Defendants and Counterclaim
Plaintiffs-Respondents,

-and-

Hospitality Suite International, S.A.
and US Suite Corp.,
Nominal Defendants-Respondents.

[And A Third-Party Action].

-----X

An appeal and cross appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about January 3, 2019, and defendant/counterclaim plaintiff-respondent-appellant Aura Investments Ltd., also having appealed from two orders, same Court, entered on or about September 24, 2019,

And plaintiff/counterclaim defendant-appellant-respondent having moved for an order, inter alia, directing Aura to perfect its appeals from the September 24, 2019 orders for the January 2020 Term; directing Aura to perfect its appeal taken from the January 3, 2019 judgment with the appeal from the September 24, 2019 orders, and adjourning plaintiffs's time to file its respondent's brief until after the appeals from the September 24, 2019 orders are perfected; or, for alternative relief,

Now, upon reading and filing the stipulation resolving motion of the parties hereto, dated October 10, 2019, and "so ordered" by a Justice of this Court on October 15, 2019, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn and resolved 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 December 5, 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 Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Sheila N.,
Petitioner-Respondent,

CONFIDENTIAL
M-7901
Docket No. O-12530/17

-against-

Rudy N.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about April 15, 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 Alexander M. Carlin, Esq., dated October 26, 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, John R. Eyeran, Esq., 225 Broadway, Suite 1800, New York, NY 10007, Telephone No. 212-921-0069, 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 December 5, 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 the Application of
For the Guardianship and Custody of

Kayalionna Skyla C., also known as
Kayalionna C.,

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

- - - - -
Cardinal McCloskey Services,
Petitioners-Respondents,

M-7910
Docket No. B-8567/17

Jessica G. C., also known as
Jessica C.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about August 24, 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 Leila Tabbaa, Esq., dated October 28, 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, Andrew J. Baer, Esq., 299

Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the 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 December 5, 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 Family Offense
Proceeding Under Article 8 of
the Family Court Act.

- - - - -
Atiya Dorothy K.,
Petitioner-Respondent,

CONFIDENTIAL

M-7914

Docket No. O-16722/18

-against-

Curtis Jermaine C.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 5, 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 D. Philip Schiff, Esq., dated October 25, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the 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 December 5, 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

Angie S., and
Allure D.,

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

CONFIDENTIAL

M-7926

Docket Nos. NN-25543/18
NN-25544/18

Administration for Children's Services,
Petitioner-Respondent,

Vinia D.,
Respondent-Appellant,

Lemar S.,
Respondent.

-----X

Respondent-appellant 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 June 25, 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 Shanee Brown, Esq., dated October 11, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. 3, New York, NY 10024, Telephone No. 917-886-5620, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the 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 December 5, 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

Aaliyah L.,
Angel Mya L.,
Kevin L.,

CONFIDENTIAL

M-7927

Docket Nos. NN-06037-39/2018

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 of the City of New York,
Petitioner-Appellant,

Victor M.,
Respondent-Respondent.

- - - - -
Janet E. Sabel, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-respondent mother, having moved for leave to respond, as a poor person, to the perfected appeal taken from orders of the Family Court, Bronx County, entered on or about February 27, 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 Ronald G. Fisher, Esq., dated October 21, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apartment 3, New York, New York, 10024, Telephone

No. 917-886-5620, 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. That branch of the motion seeking to relieve Robert G. Fischer, Esq. as respondent's assigned appellate counsel is denied as unnecessary, as such assignment was never made. The Clerk of the Court is directed to adjourn the perfected appeal to the February 2020 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 December 5, 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 the Commitment of

Annalisa Janet G., also known as
Annalisa G., also known as
Annalisia J. G., and
Malachi Israel H., also known as
Malachi H.,

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

CONFIDENTIAL

M-7928
Docket Nos. B-35158/18
B-35159/18

- - - - -
Saint Dominic's Family Services,
Petitioner-Respondent,

Tamara A. H.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, Bronx County, entered on or about October 16, 2019 and September 18, 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 Nicole H. Velazquez, Esq., dated October 23, 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, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-791-8444, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the 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 December 5, 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 Family Offense
Proceeding

Stone W.,
Petitioner-Respondent,

-against-

Confidential
M-8076
Docket No. O-3780/19

Mohammed S.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about October 31, 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 Christine E. Delince, Esq., dated November 5, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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

(3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:0


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 December 5, 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-7787

Ind. No. 1294/17

Anthony McClinton,

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 May 22, 2019, 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 December 5, 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-

Carl Moore,

Defendant-Appellant.
-----X

CONFIDENTIAL
M-7790

Ind. Nos. 2858/15
3377/16

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 August 14, 2019, 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 December 5, 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-7969
Ind. No. 1454/17

Robert Irizarry,
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 August 8, 2019, 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 December 5, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Angelica M.,

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

Confidential
M-7955
Docket No. NN-24043/18

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

Luz C.,
Respondent

Joe M.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about October 2, 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 Leila Tabbaa, Esq., dated October 28, 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, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York 11753, Telephone No. 603-313-1951, 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) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the 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 December 5, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

Jeanine H.,
Petitioner-Appellant,

-against-

Mamadou O.,
Respondent-Respondent.

Andrew J. Baer, Esq.,
Attorney for the Child.

CONFIDENTIAL
M-8093

Docket Nos. V-22037-15/16A
V-21579/15
V-21579-15/16A
V-22037/15

-----X
Alexis Montalban, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about January 12, 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 Alexis Montalban, Esq., dated November 5, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal;

(M-8093)

-2-

December 5, 2019

(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, five hard copies and, if represented by counsel, one digital copy of such brief are filed with this Court, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. The appeal, previously perfected, is adjourned to the February 2020 Term of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Lizbeth Gonzalez, Justices.

-----X

Raul Marquez,
Plaintiff-Respondent,

-against-

171 Tenants Corp.,
Defendant-Appellant,

M-7960
Index Nos. 106616/11
590934/12

David Kleinberg Levin and Kenneth Cook,
Defendants-Respondents.

-----X

Kenneth Cook,
Third-Party Plaintiff,

-against-

Museum Quality Properties, LLC doing
business as MQ Restoration Corp. and
Philip J. Farley,
Third-Party Defendants.

-----X

Kenneth Cook,
Second Third-Party Plaintiff,

-against-

Philip J. Farley and Museum Qualities
Properties, LLC doing business as MQ
Restoration Corp.,
Second Third-Party Defendants.

-----X

[Caption Continued]

171 Tenants Corp.,
Third Third-Party Plaintiff-
Appellant,

-against-

Cynthia Cook,
Third Third-Party Defendant-
Respondent.

-----X

Defendant/third third-party plaintiff-appellant, 171 Tenants Corp., having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 22, 2019,

Now, upon reading and filing the papers with respect to the motion and the Stipulation of the parties hereto, dated October 16, 2019, and due deliberation having been had thereon,

It is ordered that the motion is granted and the trial stayed pending the hearing and determination of the aforesaid 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 December 5, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Angela M. Mazzarelli
Barbara R. Kapnick, Justices.

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

-against-

M-7838
Ind. No. 1616/17

Lawrence Dilione,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2019,

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 extending the time to perfect the appeal to the September 2020 Term of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Angela M. Mazzarelli
Barbara R. Kapnick, Justices.

-----X
Corey J. Morrison, as Executor of the
Estate of Joseph C. Silkes, Deceased,
Plaintiff-Respondent,

-against-

M-7952

Index No. 800036/12

The New York and Presbyterian
Hospital, New York Presbyterian-
Columbia University Medical Center,
Yoshifumi Naka, M.D., Desmond Jordan,
M.D., and Robert Sladen, M.D.,
Defendants-Appellants,

Ezequiel Molina, M.D., David Richard
McIlroy, M.D., Jessica Spellman, M.D.
and, Vivek Moitra, M.D.
Defendants.

-----X

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

And defendants-appellants having moved for an extension of time to perfect said appeal until 90 days after the expiration of a stay imposed by the trial court,

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 extending the time to perfect the appeal to the May 2020 Term, with leave to seek additional extensions if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Angela M. Mazzairelli
Barbara R. Kapnick
Peter H. Moulton, Justices.

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

-against-

M-7549
Ind. No. 600/14

Jesswill Perez,
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 December 15, 2016, and for an enlargement of time in which to file said pro se supplemental brief,

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 a copy of the pro se supplemental brief on respondent and file an original and 5 copies thereof with the Court for the April 2020 Term, to which Term the appeal is adjourned.

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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X
A. Yang, Jacqueline Subramaniam,
Morgan Castilla, E. Steel, Dawn
Fadely and P. Sharma, on behalf of
themselves and all others similarly
situated,
Plaintiffs-Respondents,

-against-

M-7792
Index No. 155681/17

Creative Industries Corporation
and Rudd Realty Management
Corporation,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 14, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the June 2020 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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

M-7932
Ind. Nos. 2288/15
4763/15
4914/15
1145/15

-against-

Ibrahim Doumbouya,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 14, 2017 (M-5782), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from four judgments of the Supreme Court, New York County, all rendered on or about March 3, 2017, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment, to include an appeal from a judgment of **resentence** of the same Court, rendered on or about October 24, 2019 under Indictment Nos. 1145/15, 2288/15, 4763/15 and 4914/15,

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

It is ordered that said motion is granted to the extent of amending defendant's order of assignment to include the appeal from a judgment of **resentence** rendered on or about October 24, 2019, under Indictment Nos. 1145/15, 2288/15, 4763/15 and

(M-7932)

-2-

December 5, 2019

4914/15, and extending the poor person relief previously granted to cover same. Appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the receipt 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 December 5, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Anthony A., an Infant by his Mother
and Natural Guardian Rosemary
Caminero,
Plaintiff-Appellant,

-against-

M-8023
Index No. 350565/08

New York City Health and Hospitals
Corporation (Jacobi Medical Center),
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 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 is deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the appeal reinstated, and the time to perfect said appeal is extended to the April 2020 Term of this Court (see, 22 NYCRR 1250.10[c]).

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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X

The Bolde Inc.,

Plaintiff-Appellant,

-against-

M-8027

Index No. 655885/17

Hashtag Labs Inc., and John
Shankman,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 3, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the March 2020 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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
In the Matter of the Application of
Jamaluddin Almahdi,
Petitioner-Appellant,

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

M-8028
Index No. 100657/19

-against-

Hon. Lawrence Stephen,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 2, 2019,

And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced petitioner's brief,

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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----x
Andre Beckford,
Plaintiff-Appellant,

-against-

Greenstein & Milbauer, LLP.
and Andrew W. Bokar,
Defendants-Respondents.

M-8047
M-8048
Index Nos. 300048/18
300044/18

-----x
Andre Beckford,
Plaintiff-Appellant,

-against-

Seth Milbauer, Robert J. Greenstein
and Greenstein & Milbauer, LLP.
Defendants-Respondents.

-----x

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, appeals taken from two orders of the Supreme Court, Bronx County, entered on or about July 17, 2019, under Index Number 300044/18, (M-8048), and August 29, 2019, under Index Number 300048/18, (M-8047), and for leave to have the appeals 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 the motions, and due deliberation having been had thereon,

In is ordered that the motions are 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 December 5, 2019.

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

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

Ravine Sean H., and
Raymond Leon H., Jr.,

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

CONFIDENTIAL

M-3745

M-7758

Docket Nos. B-441-42/16

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

Delois C., also known as Delois H.,
Respondent-Appellant.

- - - - -
Richard L. Herzfeld, Esq.,
Attorney for the Children.

-----X

Appeals having been taken to this Court from two orders of the Family Court, Bronx County, both entered on or about May 23, 2019, and said appeals having been consolidated and perfected,

And Catholic Guardian Services having moved to dismiss the appeal taken under case caption *Matter of Raymond Leon H., Jr.*, Docket No. 442/16 (M-3745),

And Eugene P. McGloin, Esq., court attorney for the subject children, having moved for poor person relief on the childrens' behalf in responding to the appeals, for assignment of counsel, a free copy of the transcript, and for related relief (M-7758),

Now, upon reading and filing the papers with respect to the motions, and the affirmation of Eugene P. McGloin, Esq., dated October 11, 2019, and due deliberation having been had thereon,

It is ordered that the motion to dismiss the appeal (M-3745) is denied, without prejudice to addressing the issues raised herein directly on the appeal, and it is further,

Ordered that poor person relief is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for the subject children for purposes of responding to the appeal; (2) permitting movants 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. The perfected appeals are adjourned to the March 2020 Term of Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
JPMorgan Chase Bank, N.A.,
Plaintiff-Respondent,

-against-

M-8007
Index No. 850171/13

Lynn D. Salvage, also known as Lynne
Salvage,
Defendant-Appellant,

-and-

Andrew Salvage, et al.,
Defendants.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 17, 2019 and July 16, 2019 and from an order and judgment (one paper), same Court, entered on or about October 3, 2019, and the appeals taken from the orders entered on or about April 17, 2019 and July 16, 2019 having been perfected,

And defendant-appellant having moved for a stay of enforcement of the order and judgment (one paper) entered on or about October 3, 2019, pending hearing and determination of the perfected appeals taken from the orders entered on or about April 17, 2019 and July 16, 2019,

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 the foreclosure sale pursuant to order and judgment, entered on or about October 3, 2019, pending hearing and determination of the appeals taken from the orders entered on or about April 17, 2019 and July 16, 2019.

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 December 5, 2019.

Present - Hon. David Friedman, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Abraham Gross,
Petitioner-Appellant,

-against-

M-7793
Index No. 101081/19

Affordability Oversight Program of
Department of Housing Preservation
and Development, et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 16, 2019, which denied the petition and upheld the determination denying petitioner's application for a rental apartment at Waterline Square,

And petitioner-appellant having moved for reinstatement of the interim order of Supreme Court, New York County, entered on or about July 18, 2019, to the extent that it limited respondents' ability to lease any apartment at Waterline Square that is subject to the lottery in which petitioner participated, to any person who is lower on the list than petitioner, pending, among other things, "release of critical information purposefully omitted from the record," "expedition of FOIL request to release material documents," and "a rational explanation" as to why he should not qualify, and for other and alternative 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 in its entirety, and the interim relief granted by the order of a Justice of this Court, dated October 2, 2019, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Royal Host Realty, LLC,
Plaintiff-Appellant,

-against-

M-8018
Index No. 653826/14

753 Ninth Avenue Realty LLC and
212 East 72nd Street, LLC,
Defendants-Respondents.

-----X
753 Ninth Avenue Realty LLC and
212 East 72nd Street, LLC,
Cross-Claim Plaintiffs-
Respondents.

-against-

Suzuki Capital LLC and Sam Suzuki
Cross-Claim Defendants-
Appellants.

-----X

Plaintiff-appellant, Royal Host Realty, LLC, and cross-claim defendants-appellants, Suzuki Capital LLC and Sam Suzuki, 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 January 2, 2018,

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

It is ordered that the motion is deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the appeal reinstated, and the time to perfect said appeal is extended to the March 2020 Term of this Court (see, 22 NYCRR 1250.10[c]), with leave to seek additional extensions if necessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Marcelo Alcalá,
Plaintiff-Appellant,

-against-

M-8066
Index No. 300166/18

Fordham Fulton Realty Corp. and
Bennett Movers,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 22, 2019, 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 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 respondents and files with the Court 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.

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 December 5, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

M-7898
Ind. No. 2675/13

Socrates Gabinomartinez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about 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 deeming the moving papers as 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 December 5, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In the Matter of the Application of
Charles Rochester,
Petitioner-Appellant,

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

M-7945
Index No. 260123/18

-against-

The City of New York Police Department -
FOIL, Officer of Deputy Commissioner,
Legal Matters,
Respondents-Respondents.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Supreme Court, Bronx County, entered on or about December 17, 2018 and September 15, 2019, 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 the motion is denied.

ENTERED:


CLERK

CORRECTED ORDER - DECEMBER 20, 2019

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 December 5, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-7480
Ind. No. 1620/14

Steven Sidbury,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 21, 2019 (M-303), assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 15, 2018, 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., The Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, **Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 receipt of the complete record, whichever is later. **The designation of Marianne Karas, Esq., as assigned counsel is stricken.**

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 December 5, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

CONFIDENTIAL

M-7548

Ind. No. 65/05

Emanuel Sanchez,
Defendant-Appellant.

-----X

Defendant-appellant having moved to deem the instant motion a timely filed notice of appeal or, in the alternative, for leave to file an untimely notice of appeal from an order of the Supreme Court, New York County (Atlas, J.), entered on or about July 29, 2019, and for leave to prosecute, as a poor person, the aforementioned appeal, for leave to have the appeal heard upon 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 that branch of the motion seeking leave to file an untimely notice of appeal is denied as unnecessary. The motion is otherwise 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 make 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 Atlas as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Marianne Karas, Esq., 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 December 5, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----x

Madeline Hosking, as Administratrix
of the Estate of Jeanette Martinez,
Deceased,

Plaintiff-Respondent-Appellant,

M-7805

Index No. 22678/13E

-against-

Memorial Sloan-Kettering Cancer Center,
Defendant-Appellant-Respondent.

-----x

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 21, 2016, and the appeal having been perfected,

And plaintiff-respondent-appellant having moved for an order: (i) substituting Madeline Hosking, as Administratrix of the Estate of Jeanette Martinez, as party plaintiff in the place and stead of Jeanette Martinez; (ii) amending the caption to reflect such substitution; and (iii) lifting the stay of proceedings,

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 caption is amended as indicated; the stay of proceedings is lifted; the perfected appeal is adjourned to the March 2020 Term of this Court; and plaintiff's time within which to perfect the cross appeal is extended to said March 2020 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 December 5, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X
M.G. an infant by his Mother and
Natural Guardian, Yacine Cisse, S.G.,
an infant by her Mother and Natural
Guardian Yacine Cisse and Yacine
Cisse, individually,
Plaintiffs-Respondents,

-against-

M-8004
Index No. 350189/13

Haanh N. Pham,
Defendant-Appellant,

Board of Managers of the
Parkchester Condominium, et al.,
Defendants.

-----X

Appeals having been taken from two orders of the Supreme Court, Bronx County, entered on or about September 11, 2018 and July 3, 2019, and said appeals having been perfected,

And defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeals taken from the aforementioned orders,

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

It is ordered that the motion is granted.

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 December 5, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
Haydee Rosario, Aggrieved Member of
Shorehaven Homeowners Association, Inc.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78 M-8008
of the Civil Practice Law and Rules Index No. 260475/19

-against-

Shorehaven Homeowners Association, Inc.,
Respondent-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 13, 2019, which granted the Article 78 petition and declared certain Board Resolutions invalid,

And respondent-appellant having moved for a stay of enforcement of the aforementioned order pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion,

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 December 5, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Anil C. Singh
Peter H. Moulton, Justices.

-----X

Belkis Monahan,
Plaintiff-Appellant,

-against-

M-8021
Index No. 301202/14

Juan O. Reyes and Mensch Management,
Inc.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 13, 2018,

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

It is ordered that the motion is denied. The appeal, sua sponte, is adjourned to the February 2020 Term of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2019.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Michael F. Newton, Esq.,
Plaintiff-Respondent,

-against-

M-7697
Index No. 653555/18

Buttafuoco and Associates, PLLC,
Utica National Insurance Group, Utica
First Insurance Company and Faust Goetz
Schenker and Blee, L.P.
Defendants-Appellants.

-----X

Defendant-appellant Buttafuoco and Associates, PLLC, having moved for a stay of proceedings, and other relief, pending hearing and determination of its appeal taken from the order of the Supreme Court, New York County, entered on or about April 23, 2019,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated October 7, 2019, is hereby 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 December 5, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

M-7709

-against-

Ind. Nos. 2139/14
50/14
12/15

Taylonn Murphy,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 24, 2019 (M-2776) 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 June 24, 2016, and assigning Kenneth M. Tuccillo, 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 Kenneth M. Tuccillo, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

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

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-7574
Ind. No. 1166/10

-against-

CERTIFICATE
DENYING LEAVE

Santo Carrero Silva,
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Lorenzo, J.) dated August 22, 2019, is hereby denied.

Dated: November 14, 2019
New York, New York



Hon. Peter H. Moulton
Associate Justice

ENTERED: DEC 05 2019