

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern Justices.

-----X

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

Miguel L.,
Petitioner-Respondent,

CONFIDENTIAL

M-5321

Docket No. V-30805/15

-against-

Ashley J. L.,
Respondent-Appellant.

-----X

An appeal having been taken to this Court from an order of the Family Court, Bronx County, entered on or about December 6, 2017, and said appeal having been perfected,

And Dawne A. Mitchell, Esq., The Legal Aid Society, having moved to be relieved as counsel for the subject child, Brayden L., and to substitute other counsel for the purposes of 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 striking the designation of assigned counsel Dawne A. Mitchell, Esq., predecessor to Janet E. Sabel, The Legal Aid Society as counsel for the subject child, Brayden L., and substituting, pursuant to Section 722 of the County Law, Kenneth M. Tuccillo, Esq. 591 Warburton Avenue, #576, Hastings on Hudson, N.Y., Telephone No. 914-439-4843, as such counsel. Sua sponte, the appeal is adjourned to the September 2019 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Anil C. Singh, Justices.

-----X
Jodi Knox, also known as Jodi McGinnis,
Plaintiff-Appellant-Respondent,

-against-

M-178
Index No. 158738/16

Aronson, Mayefsky & Sloan, LLP, et al.,
Defendants-Respondents-Appellants,

Fredman Baken & Kosan, LLP,
Defendant-Respondent.


-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court, entered on December 27, 2018 (Appeal Nos. 7581-7581A),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Intrepid Investments, LLC, as
Administrative Agent,
Plaintiff-Respondent-Appellant,

-against-

Selling Source, LLC, et al.,
Defendants-Respondents,

-and-

White Oak Global Advisors, LLC,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about July 1, 2015,

And plaintiff-respondent-appellant having moved to strike the reply brief filed by defendant-appellant-respondent in support of their motion for reargument (M-6059),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1171
Ind. No. 2717/14

Elvin Bonilla,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 14, 2016 (M-2822) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 15, 2015, and assigning Richard M. Greenberg, Esq., predecessor to Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or, in the alternative to dismiss 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 deeming the appeal withdrawn and is otherwise denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1337
Ind. No. 1670/16

John Hyde,
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 January 16, 2019, 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 notice of appeal as timely filed 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Ellen Gesmer
Jeffrey K. Oing, Justices.

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

-against-

M-1520
Ind. No. 1257/18

Wouter Deruytter,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 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 enlarging the time to perfect the appeal to the October 2019 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-701
Ind. No. 36238C/15

Matthew Whittington,
Defendant-Appellant.

-----X

Defendant having taken timely appeals from three judgments of the Supreme Court, Bronx County, rendered on or about August 30, 2016 under Indictment Nos. 3890/13, 1334/14 and 2017/14, and this Court by order entered June 29, 2017, having awarded defendant poor person relief and having assigned Howard Simmons, Esq., to prosecute said appeals (M-2518),

And, defendant-appellant having moved, pro se, for an extension of time in which to file an untimely notice of appeal pursuant to CPL 460.30, from a judgment of the Supreme Court, Bronx County, rendered on or about August 30, 2016, under Indictment No. 36238C/15 and for leave to prosecute said appeal, as a poor person, 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 the motion is denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of Xerox Corporation
Consolidated Shareholder Litigation.

M-862
Index No. 650766/18

-----X

The Xerox defendants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about May 1, 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 to vacate the dismissal of the appeal the pursuant to 22 NYCRR 1250.10(c), is granted and the time to perfect the appeal is enlarged 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 May 16, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

-----X

In the Matter of the Guardianship of
the Person and Custody of

Gabrielle G., and
Michael G.,

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

CONFIDENTIAL

M-1217

M-1218

- - - - -
Catholic Guardian Services,
Petitioner-Respondent,

Docket Nos. B-46584/16

B-46585/16

Karina E. F. and Mike G.,
Respondents-Appellants.

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

-----X

Respondents-appellants having moved for leave to file late notices of appeal from orders of the Family Court, New York County, entered on or about November 22, 2016, November 29, 2016, April 24, 2017, July 10, 2017 and July 28, 2017, respectively (M-1217),

And respondents-appellants having moved, by separate motion, for poor person relief with respect to their appeals from the aforesaid orders entered on or about November 22, 2016, November 29, 2016, April 24, 2017, July 10, 2017 and July 28, 2017 (M-1218),

(M-1217/M-1218)

-2-

May 16, 2019

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

Ordered that the motions are denied.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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 Judicial Surrender
of,

Lucia S.,

CONFIDENTIAL

M-900

Docket No. AS-24660-17

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

- - - - -
Jewish Child Care Association of
New York, and the Commissioner of
Social Services of the City of New York,
Petitioner-Respondent,

Diana A.,
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 Amended Order Validating Surrender of the Family Court, New York County, entered on or about December 20, 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 Jennifer Feinberg, Esq., dated January 31, 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, Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, New York, 11753, Telephone No. 516-942-4221, 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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.

- - - - -

Dariel M.,
Petitioner-Appellant,

CONFIDENTIAL

M-1052

Docket No. V-5284/17

-against-

Aurelyn Z. G.,
Respondent-Respondent,

- - - - -

Cassandra Celestin, Esq., Children's Law Center, Attorney for the Child.

-----X

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

- - - - -

Aurelyn Z. G.,
Petitioner-Appellant,

Docket No. V-5323/17

-against-

Dariel M.,
Respondent-Respondent,

- - - - -

Cassandra Celestin, Esq., Children's Law Center, Attorney for the Child.

-----X

Respondent-appellant/petitioner-appellant mother, Aurelyn Z. G., 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 December 20, 2018, and for assignment of counsel, a free copy of the transcript,

Now, upon reading and filing the papers with respect to the motion, and the certification of Katherine Tracey, Esq., dated January 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York, 10007, Telephone No. 212-227-0206, 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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 and/or Visitation Under
Article 6 of the Family Court Act.

Kaleem U.,
Petitioner-Respondent,

-against-

Halima S.,
Respondent-Appellant.

-----X

Confidential
M-1657

Docket Nos. V-4248-18
V-31416-17

Respondent-appellant having moved by assigned Family Court Counsel for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 23, 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 Latrice V. Campbell, Esq., dated February 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite No. 176, Larchmont, New York, 10538, Telephone No. 914-419-8407, 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 to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed

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 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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.

- - - - -
Krystal R.,
Petitioner-Respondent,

CONFIDENTIAL

M-1833

Docket Nos. O-14455/17
NN-17331/17

-against-

Kriston L.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the orders of the Family Court, Bronx County, entered on or about July 31, 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 Rachel Seger Cobos, Esq., dated November 2, 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, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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

(M-1833)

-2-

May 16, 2019

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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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 Paternity Proceeding Under Article 5 of the Family Court Act.

Georgina M.,
Petitioner-Appellant-Respondent, Docket No. P-28170/17

CONFIDENTIAL

M-1853

-against-

James C.,
Respondent-Respondent-Appellant.

-----X

Richard L. Herzfeld, Esq.
Attorney for the subject child.

-----X

An appeal and cross appeal having been taken to this Court from orders of the Family Court, New York County, entered on or about February 14, 2019 and February 25, 2019,

And Vanessa J. Spears, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeals taken from the aforesaid orders, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. 212-818-9019, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to

the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeals, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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 Guardianship and Commitment of

Chon-Michael S., also known as
Chon Michael S.,

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

- - - - -
New York Foundling Hospital,
Petitioner-Respondent,

CONFIDENTIAL

M-1871
Docket No. B-33879/15

Shanice A.,
Respondent-Appellant.

- - - - -
Hal Silverman, Esq., Lawyers for
Children, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 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 Jennifer Feinberg, Esq., dated March 18, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York, 10538, Telephone No. 914-419-8407, 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 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Yehuda Atone,
Plaintiff-Respondent,

-against-

BCS Construction Services Corp.,
Defendant-Appellant,

417 W. Inc. and Victor Castro,
Defendants-Appellants,

M-1543X
Index No. 306771/12

Inwood Partners 2, LLC,
Defendant-Appellant,

-and-

Then and Now Restoration, Inc.,
Defendant-Appellant.

Fortuna Development Corp., et al.,
Defendants,

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

-----X

Four appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 26, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 19, 2019, and due deliberation having been had thereon,

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

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Asher Alcobi,
Plaintiff-Respondent,

-against-

M-1573
Index No. 654572/16

Boaz Bag Bag,
Defendant-Appellant.


-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 23, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated March 7, 2019, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-724
Ind. No. 582/18

Christopher Philippeax,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 3, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-779
Ind. Nos. 999/18
2181/18

Robert Stover,
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 20, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-

Justin Rosa,
Defendant-Appellant.

M-780

Ind. Nos. 1941/16
145/17
386/18

-----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 January 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-924
Ind. No. 1757/18

Andy Gneco,
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 February 11, 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, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-925
Ind. No. 1853/18

Joshua Serrano,
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 February 11, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1021
Ind. No. 2017/16

Robert Davis,
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 December 4, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1103
SCI. No. 171/19

William Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 28, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1105
Ind. No. 413/18

Sheldon Parker,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1205
Ind. No. 5112/12

Yoselyn Ortega,
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 May 14, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1314
Ind. No. 3102/15

Josefina Gonzalez,
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 March 28, 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, 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:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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-1315
Ind. No. 7071/01

Jose Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, rendered on or about October 12, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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,

CONFIDENTIAL

M-1357

-against-

Ind. No. 651/06

David Finchum,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Clott, J.), entered on or about January 4, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously 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 Clott as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 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,

CONFIDENTIAL

M-1361

-against-

Ind. No. 3759/14

Willie Hanford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Rodney, J.), entered on or about November 1, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously 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 Rodney as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Oliver-Vaughn: Douce Al Dey Sui Juris

ipropia persona,
Petitioner,

M-855
Docket No. 2018BX024490

-against-

Criminal Court of the City of New York,
Respondent.

-----X

Petitioner having moved, pro se, for "permission to appeal Interlocutory for Mandamus Order," requesting, inter alia, "leave to file writ mandamus, prohibition declaratory relief without fees from Criminal Court Bronx County 12/4/18, 2018 ruling on Writ for Quo Warranto refusal, for interlocutory to appellate Division to enforce 1602 challenge to prove under what authority standing it exercise [jurisdiction] over private people", and other relief,

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

It is ordered that said motion is denied in its entirety.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
In the Matter of

James G.,

Confidential
M-1194

Docket No. D3920/18

A Person Alleged to be a
Juvenile Delinquent,

Respondent.

-----X

Respondent-appellant having moved pursuant to 22 NYCRR 1250.9(a)(b) for an enlargement of time to perfect the appeal taken from an order of disposition of the Family Court, Bronx County, entered on or about May 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 granted to the extent of enlarging the time to perfect the appeal to the October 2019 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Peter Tom
Peter H. Moulton, Justices.

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

-against-

M-1292
Ind. No. 1788/17

Cesar Rivera,
Defendant-Appellant.


-----X

Defendant, pro se, 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 September 5, 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
In the Matter of

Tariq B.,
and Aisah Nevaeh Sadie B.,

CONFIDENTIAL

M-1090

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

Docket Nos. NN-3240/15
NN-3241/15

Administration for Children's
Services,
Petitioner-Respondent,

Danielle W.,
Respondent,

Hakim B.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on July 19, 2018 (M-2487) granting respondent-appellant-father leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 29, 2016, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal,

And counsel for respondent-appellant-father having made a motion to withdraw and/or dismiss the aforementioned appeal and to relieve Steven N. Feinman, Esq., as counsel, or in the alternative, for an enlargement of time to perfect said 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 to withdraw and/or dismiss the appeal and relieve counsel are denied, with leave to renew upon an affidavit stating that respondent-appellant-father consents to the withdrawal of appeal. The motion is otherwise granted to the extent of enlarging the time to perfect the appeal to the October 2019 Term.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X

116 Waverly Place, LLC,
Plaintiff-Appellant,

-against-

M-1677
Index No. 655930/17

Spruce 116 Waverly LLC, Spruce
Capital Partners, LLC, S3 Capital,
LLC, Joshua Crane, Robert Schwartz,
Peter Rosenberg, SWS Holdings, LLC,
John Doe and Jane Doe,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 8, 2019, which granted defendants summary judgment dismissing the complaint,

And defendant-respondent Spruce 116 Waverly LLC, having moved for an order enjoining and restraining plaintiff from conducting any probing, demolition, or similar construction work, at the subject premises, or altering the conditions of the premises, pending hearing and determination of the appeal, or in the alternative, to stay the enforcement of the order of the Supreme Court, New York County, entered on or about February 8, 2019, which vacated a prior modified temporary restraining order barring work, 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 denied and the interim relief granted by an order of a Justice of this Court, dated March 2, 2019, is hereby vacated.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----x
In the Matter of

Steven R.,

A Person Alleged to be
A Juvenile Delinquent,

Defendant-Appellant.
-----x

CONFIDENTIAL

M-1080

Docket No. D-5576-18

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about May 1, 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

60 E. 9th St. Owners Corp.,
Plaintiff-Respondent,

-against-

M-2145
Index No. 104135/08

Albert N. Zihenni,
Defendant-Appellant.

-----X


An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 10, 2019,

And defendant-appellant having moved to stay all proceedings to enforce the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated April 22, 2019, is hereby vacated.

ENTERED:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019,

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

-----X
J.P. Morgan Chase Bank, etc.,
Plaintiff-Respondent,

-against-

M-677

Index No. 35786/15E

Cauline Dennis, etc.
Defendant-Appellant,

-and-

Simone Dennis, etc., et al.,
Defendants.

-----X

An order of this Court having been entered on November 27, 2018 (Appeal No. 7696), unanimously affirming the order of the Supreme Court, Bronx County, entered on or about October 18, 2017, which denied defendant-appellant's motion to vacate a judgment of foreclosure and sale,

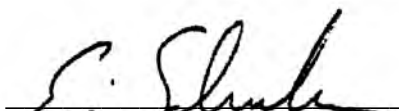
And defendant-appellant, pro se, having moved previously for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the aforementioned decision of this Court (M-6761),

And defendant-appellant, pro se, having moved to strike plaintiff-respondent's affirmation in opposition to her motion to reargue or leave to appeal (M-677),

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-677) is denied.

ENTERED:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Virginia M. Henneberry,
Plaintiff-Appellant,

-against-

M-1662
Index No. 600357/10


Leon Baer Borstein, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for clarification resettlement and/or reargument of the decision and order of this Court, entered on February 21, 2019 (Appeal No. 8478),

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 and, upon reargument, the decision and order of this Court entered on February 21, 2019 (Appeal No. 8478) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 8478 decided simultaneously herewith.)

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Amnon Shibolet, et al.,
Plaintiffs-Respondents,

-against-

M-6719

Index No. 600350/98

Joseph Yerushalmi, et al.,
Defendants-Appellants,

N.S.N. International Industries, et al.,
Defendants.

-----X

An order of this Court having been entered on October 25, 2018 (Appeal No. 7466), unanimously reversing the order of the Supreme Court, New York County, entered on or about December 11, 2017, and awarding \$774,667.65 of the "Phoenix fee" to plaintiff Yerushalmi, Shibolet, Yisraeli & Roberts, LLP and \$126,664.35 to defendant Joseph Yerushalmi,

And plaintiffs-respondents having moved to amend or correct the aforementioned order to replace the directive that "The Clerk is directed to enter judgment accordingly", with a "direction remanding the matter to the Special Referee to Hear and Determine..., for entry of a new final accounting judgment based on updated accounting schedules,"

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 denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

- - - - -
Ronnie S.,
Petitioner-Appellant,

CONFIDENTIAL
M-1907
Docket No. F-6907/05

-against-

Phyllis S.,
Respondent-Respondent.


-----X

Petitioner-appellant, pro se, 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 November 26, 2018, which denied his objections to the order of the support magistrate dismissing his petition on default, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X
Hetri Totaram,
Plaintiff-Respondent,

-against-

M-2044
Index No. 380033/15

Debbie Gibson,
Defendant-Appellant,

-and-

Cach LLC, New York City Parking Violations
Bureau and Evelyn Hill, et al.,
Defendants.


-----X

Defendant-appellant having moved for a stay of all proceedings to enforce a Judgment of Foreclosure and Sale of the Supreme Court, Bronx County, entered on or about February 13, 2019, including but not limited to the foreclosure sale, pending the hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on the condition that the appeal is perfected on or before August 5, 2019, for the October 2019 Term.

ENTERED:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Rosalyn H. Richter
 Jeffrey K. Oing
 Anil C. Singh, Justices.

-----x
WN Partner, LLC,
 Petitioner-Appellant,

-against-

M-2042
Index No. 652052/19

Baltimore Orioles Limited Partnership,
 Respondent-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 10, 2019,

And petitioner-appellant having moved for a stay of the arbitration respondent-respondent initiated before the American Arbitration Association, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that petitioner-appellant perfects the appeal for the October 2019 Term.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Katherine Altavilla,
Plaintiff-Respondent,

-against-

M-1027
Index No. 153314/16

Venti Transport, Inc., Venti Towing
and Transport, Inc., and Perry J.
West, II,
Defendants-Appellants.
-----X

An appeal having been taken by defendants-appellants from an order of the Supreme Court, New York County, entered on or about December 24, 2018,

And plaintiff-respondent having moved for an enlargement of time to file a notice of cross-appeal from the aforesaid appeal, and if granted, to consolidate the cross appeal with a cross-appeal pending in a related action; Amanda Altavilla v. Perry J. West, et al., Index No. 152424/16,

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
556 Driggs Avenue, LLC,
Petitioner-Appellant,

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

M-1033
Index No. 159157/16

-against-

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

-----X
In the Matter of the Application of
556 Driggs Avenue, LLC,
Petitioner-Appellant,

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

Index No. 156469/17

-against-

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

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 21, 2017, under Index No. 159157/16,

And an Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 19, 2018, under Index No. 156469/17,

And petitioner-appellant having moved for consolidation of the aforesaid proceedings and, for an enlargement of time in which to perfect same.

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceedings to the October 2019 Term. The Clerk of the Court is directed to calendar the separate proceedings to be heard together on the same day of the aforesaid Term (22 NYCRR § 1250.9(f)(4)).

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written in a cursive style. The signature is positioned above a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

-----x

Jacquelin Motta,
Plaintiff-Appellant,

-against-

M-969
Index No. 101040/17

Acting Judge Diane Kiesel, et al,
Defendants-Respondents.


-----x

Plaintiff-appellant, pro se, having moved to vacate the dismissal of her appeal taken from an order of the Supreme Court, New York County, entered on or about April 27, 2018, and upon vacatur, for an enlargement of time to perfect the appeal and for poor person 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 vacating the dismissal of the appeal and enlarging the time to perfect same to the October 2019 Term (See, 22 NYCRR 1250.10).

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Cynthia S. Kern
Anil C. Singh, Justices.

-----x
Kalman Kaspiev,
Plaintiff-Appellant,

-against-

M-1045
Index No. 800008/14

Irina Pankova, M.D., et al.,
Defendants-Respondents.
-----x

Plaintiff-appellant, pro se, having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 22, 2017,

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

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

ENTERED:



DEPUTY CLERK

CORRECTED ORDER - May 23, 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 May 16, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X
In the Matter of

Anais G.,

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

CONFIDENTIAL

M-78
Docket No. NA-34148/16

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

Lionell M.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, New York County, entered on or about November 2, 2018 and December 10, 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 Kao Pin Lew, Esq., dated January 2, 2019, and due deliberation having been had thereon, it is

Ordered that, sua sponte, the premature notice of appeal dated January 2, 2019 is deemed a valid notice of appeal from the orders of the Family Court, New York County, entered on or about January 18, 2019, and it is further,

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 therefor **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 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

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

-----X

Ilana Rigwan,
Plaintiff,

CONFIDENTIAL

M-625

-against-

Index No. 309696/17

Jordan Neus,
Defendant.

-----X

Plaintiff having moved for leave to prosecute, as a poor person, the purported appeal taken from an order of the Supreme Court, New York County, entered on or about April 4, 2018, and for leave to have the purported appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the purported appeal, 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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern, Justices.

-----x
In the Matter of

Raheem I. T.,

CONFIDENTIAL

M-1740

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D-7668/18

Respondent-Appellant.
-----x

An order of this Court having been entered on December 27, 2018 (M-5083), granting respondent-appellant leave to prosecute, as a poor person, the appeal taken to this Court from an Order of Disposition of the Family Court, New York County, entered on or about September 5, 2018, and assigning counsel therefor,

And respondent-appellant having moved for a free copy of the minutes from Supreme Court, New York County, that were created before the matter was transferred to the Family Court, New York County,

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 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.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Marcy L. Kahn
Peter H. Moulton, Justices.

-----x

Board of Managers of Walton
Condominium,
Plaintiff-Respondent,

-against-

M-1165
Index No. 650852/17

264 H2O Borrower, LLC, Robert Quaco,
David Levine and Glen Wolland,
Defendants-Appellants.

-----x

Separate appeals having been taken by 264 H2O Borrower, LLC and the individual defendants from an order of the Supreme Court, New York County, entered on or about January 29, 2018,

And the individual defendants-appellants having moved by Amended Notice of Motion, for an order compelling this Court to accept and hear their appeal and for enlargement of time to perfect same,

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 October 2019 Term (See, 22 NYCRR 1250.10).

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,
Respondent,

M-6679
SCI. No. 362N/14

-against-

Antonio Pequero,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 1, 2015,

And an order of this Court having been entered on or about February 7, 2018 (Appeal No. 5586), holding the appeal in abeyance and remanding the matter for further proceedings in accordance therewith,

And assigned counsel for defendant-appellant having moved for dismissal of the aforementioned 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 and the appeal is dismissed.

ENTERED:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn
Jeffrey K. Oing, Justices.

-----X
Kathryn Casey, et al., etc.,
Plaintiffs-Respondents,

-against-

M-675
Index No. 111723/11

Pamela Renna, Vittina Degrezia,
also known as Vitina Luppino,
Intervenor-Plaintiffs,

-against-

Whitehouse Estates, Inc., Koepfel &
Koepfel, Inc., Duell 5 Management
LLC, doing business as Duell
Management Systems, William W.
Koepfel and Eastgate Whitehouse
Estates, LLC,
Defendants-Appellants.

-----X
Whitehouse Estates, Inc., Eastgate
Whitehouse LLC and William W. Koepfel,
Third-Party Plaintiffs-Respondents,

Third-Party
Index No. 595472/17

-against-

Roberta L. Koepfel, et al.,
Third-Party Defendants-Appellants.

-----X

Third-party defendants-appellants having moved to vacate the dismissal of their appeal taken from an order of the Supreme Court, New York County, entered on or about March 28, 2017, and upon reinstatement, for a further enlargement of time to perfect said 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, and the time to perfect the appeal is enlarged to the October 2019 Term, (See, 22 NYCRR 1250.10), with leave to seek an additional enlargement, if necessary.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

Renata Sklarova,
Plaintiff-Respondent-Appellant,

-against-

M-6658
Index No. 805212/14

Allen Coopersmith, M.D., and NYU Langone
Medical Center,
Defendants-Appellants-Respondents,

Andrew Feldman, M.D., University Place
Orthopedics, Lisa Mouzi, M.D. and
Catherine Laible, M.D.,
Defendants-Respondents.

-----x

Plaintiff-respondent-appellant having moved for an order (1) further enlarging the time in which to perfect a cross appeal taken from an order of the Supreme Court, New York County, entered on or about September 27, 2017, (2) vacating the dismissal of her appeal taken from the order of the same court, entered on or about May 25, 2018, and enlarging the time to perfect that appeal; and (3) consolidating the aforementioned appeals with her appeal taken from the amended order of the same court, entered on or about October 31, 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 vacating the dismissal of plaintiff's cross appeal from the order of the Supreme Court, New York County, entered on or about September 27, 2017, and the dismissal of plaintiff's appeal from the order of the same court, entered on or about May 25, 2018, and deeming those appeals, and plaintiff's appeal from the amended order of the same court, entered on or about October 31, 2018, subsumed in plaintiff's appeal from the judgment of the same court, entered on or about December 31, 2018. The motion is otherwise denied as unnecessary.

ENTERED:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Stafford Broumand, M.D.,
Plaintiff-Appellant,

-against-

M-2132
Index No. 655954/18

Michael Abbott, et al.,
Defendants-Respondents,

-and-

Apelles Ventureforth SPV, LLC,
etc., et al.,
Nominal Respondents.

-----x


An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 15, 2019,

And plaintiff-appellant having moved for an appellate injunction and an order of attachment in aid of arbitration, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Marcy L. Kahn
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Elizabeth Reich, et al.,
Plaintiffs-Appellants,

-against- M-921
Index No. 159841/16

Belnord Partners, LLC, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 15, 2019 (Appeal No. 7212),


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, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:


DEPUTY CLERK

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

BEFORE: Hon. Troy K. Webber
Justice of the Appellate Division

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

M-799
Ind. No. 2923/05

-against-

CERTIFICATE
GRANTING LEAVE

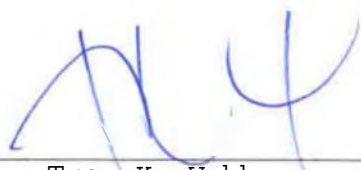
Devin Keitt,
Defendant-Appellant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Thomas Farber, J.), entered on or about January 19, 2019.¹

Dated: April 8, 2019
New York, New York

ENTERED: MAY 16 2019



Hon. Troy K. Webber
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 16, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
Haleigh Breest,

Plaintiff-Respondent,

-against-

Paul Haggis,
Defendant-Appellant.

-----X

CONFIDENTIAL

M-2149

M-2351

Index No. 161137/17

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 30, 2018, and said appeal having been perfected,

And Professor Sally F. Goldfarb, Professor Julie Goldscheid, Professor Victoria Nourse and Legal Momentum having moved for leave to file a brief, Amicus Curiae, in connection with the aforementioned appeal (M-2149),

And defendant-appellant having cross-moved to file a supplemental reply brief (M-2351),

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

It is ordered that the motion (M-2149) is granted and the six copies of movant's amicus curiae brief submitted to this Court with the motion papers are deemed filed. Defendant-appellant's cross motion (M-2351) for leave to file a supplemental reply brief is denied without prejudice to defendant addressing arguments raised in the amicus curiae brief at oral argument.

ENTERED:



DEPUTY CLERK