

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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

Samuel M. H.
Petitioner-Appellant,

-against-

Confidential
M-7223
Index No. Z-10491/19

Carolyn D.,
Respondent-Respondent,
- - - - -

Subject of a Miscellaneous Proceeding.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 4, 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 Dana Striker, Esq., dated September 10, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, New York 10017, Tel. No. 646-627-8875 as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

MMA Meadows at Green Tree, LLC and BFIM
Special Limited Partner, Inc.,
Derivatively on Behalf of MCAP Robeson
Apartments L.P., and MMA Meadows at
Green Tree, LLC in its Individual Capacity,
Plaintiffs-Respondents,

M-7191

M-7192

Index No. 653943/13

-against-

Millrun Apartments, LLC, Municipal
Capital Appreciation Partners, II, L.P.,
Municipal Capital Appreciation Partners
III, L.P., and Richard G. Corey,
Defendants-Appellants,

MCAP II Developer LLC,
Defendants,

MCAP Robeson Apartments L.P.,
Nominal Party.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about March 28, 2018 and on or about March 29, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

Anna Wachtel and Edward Wachtel,
Plaintiffs-Appellants,

-against-

M-7196

Index No. 657144/17

Park Ave. & 84th St., Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 6, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated September 5, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

Desiree Perez,
Plaintiff-Appellant,

-against-

M-7198
Index No. 655090/18

Luxury Retreats Processing Inc.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 8, 2019,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X
Marc Latamie and DM Fountain, Inc.,

Plaintiffs-Appellants,

-against-

M-7219

M-7220

M-7221

Index No. 650521/15

Benrimon Contemporary LLC, David
Benrimon Fine Art LLC, Leon Benrimon
and David Benrimon,
Defendants-Respondents.

-----X

Appeals having been taken from three orders of the Supreme Court, New York County, all entered on or about December 13, 2018 (Motion Seq. Nos. 7, 9 and 10),

Now, upon reading and filing the stipulation of the parties hereto, dated August 16, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-7138

-against-

Ind. No. 792/99

Darrell Bolden,
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 (Stolz, J.), entered on or about July 16, 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 files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Stolz as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-7138)

-2-

October 22, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-7140

-against-

Ind. No. 5090/04

Robert Thomas,
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 (Mandelbaum, J.), entered on or about August 13, 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 files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mandelbaum as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-7140)

-2-

October 22, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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-7162

-against-

Ind. No. 5051/16

Jeffrey Taylor,
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 (Biben, J.), entered on or about June 14, 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 files with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Biben as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Anil C. Singh, Justices.

-----X
Hong Zhang,
Petitioner-Appellant,

-against-

M-7043
Index No. 153061/17

Chinatown Apartments, Inc.,
Respondent-Respondent,

New York City Department of
Housing Preservation and Development,
Respondent-Respondent.
-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 1, 2017,

And petitioner-appellant having moved to vacate the dismissal of the aforesaid appeal and for an 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 is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X

Xpresspa Holdings, LLC and
Xpresspa Atlanta Terminal A, LLC,
Plaintiffs-Appellants,

-against-

M-3026
Index No. 650040/17

Cordial Endeavor Concessions of
Atlanta, LLC, formerly known as
Montclair Douglass LLC, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 11, 2019 (Appeal No. 8980),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber, Justices.

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

-against-

M-7142
Ind. No. 723/18

Kavin Campbell,
Defendant-Appellant.

-----X

Defendant having moved to deem the within notice of motion a timely filed notice of appeal or, in the alternative, 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 July 11, 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 motion papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman , Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber, Justices.

-----X
Sherrese Drumgold,
Plaintiff-Appellant,

-against-

M-7150
Index No. 101012/17

The New York City Housing Authority.
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 17, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that sua sponte, the appeal is dismissed and, accordingly, plaintiff's motion for poor person relief is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x
Mida Lolovic,
Plaintiff-Appellant,

-against-

M-7132
Index No. 805155/13

Lloyd D. Landsman, M.D. and Lloyd D.
Landsman, M.D., P.C.,
Defendants-Respondents.

-----x

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

And appellant's counsel, the Dennehy Law Firm, having moved for an order relieving it as counsel; and for an enlargement of time to perfect 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 to the extent of permitting the Dennehy Law Firm to withdraw as appellate counsel, and enlarging the time to perfect the appeal to the March 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Robert Siegel,
Plaintiff-Appellant,

-against-

M-3586

Index No. 154934/15

The Dakota, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 13, 2019 (Appeal Nos. 9621-22),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Flutur Bida,

Plaintiff-Appellant,

-against-

M-7089

Index No. 111370/10

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

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for clarification and/or reargument of the order of this Court, entered on August 6, 2019 (M-2991), which denied her motion to reargue the decision and order of this Court entered on May 28, 2019 (Appeal No. 9420),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Judith J. Gische
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
NexBank, SSB,
Plaintiff-Respondent-Appellant,

-against-

M-3501
Index No. 652072/13

Jeffrey Soffer, et al.,
Defendants-Appellants-Respondents.
-----X

Plaintiff-respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 4, 2019 (Appeal No. 9125),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Barbara R. Kapnick, Justices.

-----X
Deutsche Bank, etc.,
Plaintiff-Respondent,

-against-

M-7049
Index No. 380108/14

Benjamin Cunningham,
Defendant-Appellant.
-----X

Defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 20, 2018, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, to vacate the dismissal of the appeal and for an enlargement of time to perfect same, and for other relief,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Peter Tom
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----X
Neiman Nix and DNA Sports Performance
Lab, Inc.,
Plaintiffs-Appellants,

-against-

M-7044
Index No. 159953/16

Major League Baseball, etc., et al.,
Defendants-Respondents.
-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, entered on or about June 22, 2018 and from an order of the same Court, entered on or about December 31, 2018,

And defendants-respondents having moved to dismiss the aforesaid appeals,

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

It is ordered that the motion is granted and the appeals are dismissed.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

-----X
Dynamic-Hakim, LLC, et al.,
Plaintiffs-Respondents,

JBLTZ Holdings, LLC, etc.,
Plaintiff,

-against-

M-6808
Index No. 651765/17

Kevin Maloney, et al.,
Defendants-Appellants,

Franklin R. Kaiman, et al.,
Defendants,

QPP Venture LLC, et al.,
Nominal Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on July 31, 2018, and said appeal having been decided by this Court on February 5, 2019 (Appeal No. 8321),

And defendants-appellants having moved to seal the record on appeal in order to preserve the confidentiality of defendant-appellant Kevin Maloney's personal financial information,

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

It is ordered that the motion is granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Peter Tom
Jeffrey K. Oing, Justices.

-----X

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

M-3235
Index No. 450585/16

-against-

Shelley Jones Crooks,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 30, 2019 (Appeal Nos. 9504-9505),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Timothy Reif, et al.,
Plaintiffs-Respondents,

-against-

M-3850

Index No. 161799/15

Richard Nagy, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 9, 2019 (Appeal No. 8172),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

DD 11th Avenue, LLC.,
Petitioner-Landlord-Respondent,

-against-

David Sans,
Respondent-Tenant-Appellant,

Catherine Berge, et al.,
Respondents-Undertenants.

-----X

M-6927

New York County
Civil Court

Index No. 71058/17

New York County

Index No. 571041/18

Respondent-tenant- appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about June 10, 2019, and for a stay of all proceedings pending hearing and determination of 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 denied and the interim stay granted by a Justice of this Court, entered on August 22, 2019, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Peter Tom, Justices.

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

-against-

M-417
Ind. No. 2141/94

Michael Henriquez, also known as
Mike Henriquez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on August 21, 2003 (Appeal No. 1470), unanimously affirming a judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on April 16, 1996,

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

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

It is ordered that said application is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In re NEW YORK CITY ASBESTOS LITIGATION

Mary Murphy-Clagett, etc.,
Plaintiff-Respondent,

M-3555

M-3571

-against-

Index No. 190311/15

A.O. Smith Corporation, et al.,
Defendants-Appellants,

AERCO International, Inc., et al.,
Defendants.

-----X

Defendants-appellants, A.O. Smith Water Products Co. (M-3571) and Burnham LLC (M-3555), having moved by separate motions for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 18, 2019 (Appeal Nos. 9634, 9634A-C),

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

It is ordered that the motions are denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

In re Allen Patterson,
Petitioner-Appellant,

-against-

M-3631
Index No. 100451/17

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

-----X

Petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 18, 2019 (Appeal No. 9647),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
In re 101 West 23 Owner I LLC,
Petitioner-Appellant,

-against-

715-723 Sixth Avenue Owners Corp.,
Respondent-Respondent.

M-3863
Index No. 650905/18

-----X

Respondent-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 9, 2019 (Appeal No. 9845),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X
Little Cherry, LLC,
Plaintiff-Respondent,

-against-

Cherry Street Owner LLC, et al.,
Defendants-Appellants.

M-6810
Index No. 654136/16

- - - - -
New York Community Bank,
Plaintiff-Intervenor-Respondent,

-against-

Cherry Street Owner LLC, et al.,
Defendants.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 9, 2019 (Appeal No. 9840),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

ACC Construction Corporation, 370
Seventh Avenue Associates, LLC. and
Comscore, Inc.,
Plaintiffs-Respondents,

M-7154
Index No. 654508/16

-against-

Merchants Mutual Insurance Company and
Premier Electric, Inc.,
Defendants-Appellants.

-----x

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 15, 2018,

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

It is ordered that the motion is deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the appeal is reinstated, and the time to perfect the appeal is enlarged to the February 2020 Term (see, 22 NYCRR 1250.10).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In the Matter of the Application of

Bronx Liquor & Wine Inc.,
Petitioner-Appellant,

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

M-7167
Index No. 100946/19

-against-

New York State Liquor Authority,
Respondent-Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, dated June 4, 2019, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 1, 2019,

And petitioner-appellant having moved to stay enforcement of the determination, which imposed a \$10,000 penalty, pending hearing and determination of the proceeding,

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

It is ordered that the motion is granted on condition the proceeding is perfected for the February 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

Hetri Totaram,
Plaintiff-Respondent,

-against-

M-7169
Index No. 380033/15

Debbie Gibson,
Defendant-Appellant,

-and-

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

-----X

An appeal having been taken from a judgment of foreclosure and sale of the Supreme Court, Bronx County, entered on or about February 13, 2019, and said appeal having been perfected,

And plaintiff-respondent having moved to vacate the stay of all proceedings to enforce the Judgment of Foreclosure and Sale, pending hearing and determination of the appeal, granted by an order of this Court entered on May 16, 2019 (M-2044),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6897

Ind. No. 1890/15

Felix Santos,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2017,

And defendant-appellant having moved for leave to expand the judgment roll to include the minutes of the pre-trial adjournments, to direct the court reporters to transcribe the minutes and file two copies with the court, and for an enlargement of time to perfect the appeal to 180 days from the date of the filing of the transcribed minutes,

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 expanding the judgement roll to include the minutes specified in paragraph 5 of the affirmation in support of the instant motion, and enlarging the time to perfect the appeal to the June 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X
Jeny Noralez,
Petitioner-Appellant,

-against-

NYC Department of Education,
Respondent-Respondent.

M-7081
Index No. 101062/16

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 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 February 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

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

Marsha V.,
Petitioner-Respondent,

-against-

Garfield V.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-7085

Docket No. F-24305/17

Appeals having been taken from two orders of the Family Court, Bronx County, entered on or about September 21, 2018 and March 7, 2019,

And respondent-appellant having moved for stay of the aforesaid orders and to reinstate his New York State Commercial Driver License pending hearing and determination of the appeals 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

Vincent Alfani and Virginia Alfani,
Plaintiffs-Appellants,

-against-

Rivercross Tenants Corporation,
et al.,
Defendants-Respondents.

-----X

M-3537

M-3737

Index No. 160032/15

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about January 2, 2019 and from an order of the same Court entered on or about October 12, 2018,

And plaintiffs-appellants having moved to vacate the dismissal of the appeal taken from the order entered on or about October 12, 2018, and, upon vacatur, for an enlargement of time to perfect the appeals from both orders [M-3537],

And defendant-respondent Rivercross Tenants Corporation having cross-moved to dismiss the aforesaid appeals [M-3737],

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 is granted to the extent of vacating the dismissal of the appeal taken from the October 12, 2018 order, reinstating said appeal, and enlarging the time to perfect the appeals from both orders to the February 2020 Term

(M-3537/M-3737)

-2-

October 22, 2019

(see, 22 NYCRR 1250.10) [M-3537]. The cross motion to dismiss the appeals is denied [M-3737].

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

Lawrence E. Penn III,
Plaintiff-Appellant,

-against-

M-6845

Index No. 100533/18

Brafman & Associates, P.C.,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2019,

And plaintiff-appellant, pro se, having moved pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal, and, upon vacatur, for an 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 is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

- - - - -
Claudia B.,
Petitioner-Respondent,

CONFIDENTIAL
M-6932
Docket No. P-09495/17

-against-

Darrin M.,
Respondent-Appellant,

-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeals taken from orders of the Family Court, New York County, entered on or about February 15, 2018 and May 24, 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 appeals, is granted and the time to perfect the appeals is extended to the February 2020 Term, with no further extensions to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on October 22, 2019.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische,
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
CUCS Housing Development Fund
Corporation IV, CUCS West 127th Street
LLC, and Center for Urban Community
Services, Inc.,
Petitioners-Respondents,

M-7092
Index No. 159303/18

-against-

Clifford S. Aymes,
Respondent-Appellant.

-----X

Appeals having been taken from three orders of the Supreme Court, New York County, entered on or about February 27, 2019, July 25, 2019 and August 26, 2019,

And respondent-appellant having moved, pro se, for an order granting a default judgment on his counterclaims, for an injunction enjoining further construction on the adjoining property and to abate all zoning violations.

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische Justices.
Peter Tom,

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

-against-

Jeremy Fulton,
Defendant-Appellant.

CONFIDENTIAL

M-3390

Ind. No. 5973/09

-----X

Defendant-appellant having moved for reargument of the order of this Court, entered on May 23, 2019 (M-264), which denied his application for a writ of error coram nobis,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

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

-----X

In the Matter of

Wisdom J.,

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

CONFIDENTIAL

M-7094

Docket No. NN-6868/19

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

Faith Jolanda J.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 20, 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 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, Larry S. Bachner, Esq., 39 Broadway, Suite 1610, New York, NY 10006, Telephone No. 917-674-9516, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

342 East 50th Street, LLC,
Plaintiff-Appellant,

-against-

M-6799
Index No. 154507/18

Deborah Privitello,
Defendant-Respondent.

-----x

Appeals having been taken to this Court from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 18, 2019, which, inter alia, awarded defendant-respondent judgment against plaintiff-appellant in the amount of \$118,712.00, and from five previous orders of the same court and Justice, two each entered on or about April 1, 2019 and March 19, 2019, and one entered on or about June 18, 2019,

And plaintiff-appellant having posted an undertaking on appeal in the amount of \$118,712.00, thereby staying enforcement of the aforesaid order and judgment entered, June 18, 2019, pursuant to CPLR 5519(a)(2),

And defendant-respondent having moved for an order: (1) dismissing plaintiff-appellant's five (5) Notices of Appeal or, in the alternative, (2) vacating, limiting or modifying the automatic stay of enforcement pursuant to CPLR 5519(c); and (3) expediting the hearing of the appeal,

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

It is ordered that the motion is granted to the extent of directing plaintiff-appellant to perfect the appeals on or before December 2, 2019 for the February 2020 Term, and is otherwise denied.

ENTERED:


CLERK