

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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-403**

Ind. No. 1417/16

James Braxton,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 13, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated January 15, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-464**

Ind. No. 4006N/12

Eduardo Disla,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 20, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated January 3, 2020, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Fausto DeJesus,  
Plaintiff-Respondent,

-against-

**M-517**  
Index No. 153314/12

Tatiana Moshiashvilli, et al.,  
Defendants-Appellants.

- - - - -

[And Other Actions]

-----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 October 31, 2019 (Appeal Nos. 10255-10255A-10255B-10255C),

Now, upon reading and filing the correspondence from counsel for defendants-appellants dated January 28, 2020, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:

  
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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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Sao Fernando International, Ltd.,  
Plaintiff-Respondent,

-against-

Raymond Debbane, BBR1, Inc., Noisettier, Inc., doing business as Macassar Woodwork and Didier Barrois, Individually, and Richard Smith, doing business as Richard Smith Studios,  
Defendants-Appellants.

**M-511**  
**Consolidated Action**  
Index Nos. 150260/11  
155362/12

-----X  
The Board of Managers of 515 Park Avenue Condominium, acting on behalf of all unit owners of the condominium,  
Plaintiff-Respondent,

-against-

BBR1, Inc. and Richard Smith, doing business as Richard Smith Studios,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2019,

And defendant-appellant Richard Smith, doing business as Richard Smith Studios, having moved for a stay of all proceedings pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and stipulation of the parties hereto, dated February 5, 2020, and due deliberation having been had thereon,

It is ordered that the motion for a stay is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Anne Marie McGonnigal,  
Plaintiff-Appellant,

-against-

M-476  
Index No. 805256/14

Stacie G. Deiner, M.D., et al.,  
Defendants-Respondents.

-----X

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

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

Now, upon reading and filing the papers with respect to the motion and the Stipulation Withdrawing Appeal and Motion, dated January 31, 2020, and due deliberation having been had thereon,

It is ordered that the appeal and motion are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
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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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-6**

-against-

Ind. No. 2125/18

Anthony Debellis,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about October 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, 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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-8201**

Ind. No. 2933/16

Yeimy Matias,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 4, 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, 28<sup>th</sup> 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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-8267**

-against-

Ind. No. 2504/17

Antonio Dejesus,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 31, 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, 28<sup>th</sup> 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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8620

Ind. No. 2448/17

Pedro Baez,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 2, 2019,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8622

Ind. No. 593/19

Pedro Baez,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 2, 2019,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8623

Ind. No. 4426/18

John Doe, also known as Rene Luna,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 24, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 24, 2019,

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

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

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

(M-)

-2-

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8624

Ind. No. 1261/18

Marvin Patterson,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 30, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 26, 2019,

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

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

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

(M-)

-2-

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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8625  
Ind. No. 923/18

Gregory Bignon,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 30, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 1, 2019,

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

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

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

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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8626

Ind. No. 2860/18

Roland Johnson,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 26, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2019,

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

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

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

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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-8629

Ind. No. 2295/17

Malik Barber,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 31, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2019,

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

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

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

(M-)

-2-

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 March 3, 2020 .

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

Edwin E. R.,  
Petitioner-Respondent,  
  
-against-

**Confidential**  
**M-392**  
Docket Nos. V-26730-11/18D  
V-27191-11/18C

Monique A.-O.,  
Respondent-Appellant.  
-----

Jeremiah James Quilan, Esq.,  
The Childrens Law Center,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about November 26, 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 Elizabeth Guerin, Esq., dated December 30, 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, Elisa Barnes, Esq., 419 Park Avenue South, 7th Floor, New York, New York 10016, Telephone No. 212-693-2330, 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<sup>1</sup> **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

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<sup>1</sup>Service 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 March 3, 2020.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Family Offense Proceeding

Josephine E. P.,  
Petitioner-Respondent,

**Confidential**  
**M-433**  
Docket No. O-12306/19

-against-

Francisco J. R.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about December 10, 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 David Goldstein, Esq., dated January 26, 2020, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, Suite 576, Hastings on Hudson, New York 10701, Telephone No. 914-439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant

to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this Court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of a Family Offense Proceeding

Skarlith G.,  
Petitioner-Appellant,

**Confidential**  
**M-477**

-against-

Docket No. O-13953/18

Guelvis J. C.,  
Respondent-Respondent.

-----  
Thomas R. Villecco, Esq.,  
Attorney for the Child.

-----X

Lee Coppage, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about October 26, 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 Lee Coppage, Esq., dated January 17, 2020 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for the child for purposes of responding to the appeal; (2) permitting the

child to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this Court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of a Custody/Visitation Proceeding

Mory F.,  
Petitioner-Respondent,  
  
-against-

**Confidential**  
**M-478**  
Docket Nos. V-12944/18  
V-12945/18

Hawa K. F.,  
Respondent-Appellant,

Administration for Children's Services,  
Respondent.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about December 10, 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 Maura Keating, Esq., dated January 9, 2020, 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, Salihah R. Denman, Esq., 200 Park Avenue, Suite 1700, New York, New York 10166, Telephone No. 914-215-7221, 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<sup>1</sup> **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

---

<sup>1</sup>Service 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 March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x

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

**CONFIDENTIAL**

M-527

Candi M.,  
Petitioner-Respondent,

Docket Nos V-00102-19

-against-

Antonio R.,  
Respondent-Appellant.

-----X

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

M-528

Candi M.,  
Petitioner-Respondent,

Docket No. O-19426-18

-against-

Antonio R.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, both entered on or about January 13, 2020, 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 Samuel Feldman, Esq., dated January 16, 2020, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven P. Forbes, Esq., 155-03

Jamaica Avenue, Jamaica, New York, 11432, Telephone No. (718) 791-8444, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

---

<sup>1</sup>Service 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 March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x

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

**CONFIDENTIAL**

M-659

Candi M.,  
Petitioner-Respondent,

Docket Nos V-00102-19

-against-

Antonio R.,  
Respondent-Appellant.

-----X

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

M-660

Candi M.,  
Petitioner-Respondent,

Docket No. O-19426-18

-against-

Antonio R.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from two orders of the Family Court, New York County, both entered on or about January 13, 2020, 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 Maria M. Curran, Esq., dated January 31, 2020, and due deliberation having been had thereon, it is

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York,

11598, Telephone No. (516) 374-1962, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Barbara R. Kapnick  
Peter H. Moulton  
Lizbeth González, Justices.

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

- - - - -  
Jenny C.,  
Petitioner-Respondent,

**Confidential**  
M-254  
Docket No. V-39538-16/18A

-against-

Chastidy Z. and Alexander Z.,  
Respondents-Appellants.

- - - - -  
Shirim Nothenberg, Esq.,  
Attorney for the Child.

-----X

Petitioner-respondent having moved to dismiss the appeal taken from an order of the Family Court, New York County, entered on or about June 27, 2018, for failure to timely perfect, and to relief her as assigned counsel,

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

Ordered that the branch of the motion seeking to dismiss the appeal is denied as unnecessary, said appeal having been deemed dismissed pursuant to 22 NYCRR 1250.10(a). The motion is otherwise denied, with leave to renew upon the expiration of appellant's time to move to vacate the dismissal (see 22 NYCRR 1250.10[c]).

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Barbara R. Kapnick  
Peter H. Moulton  
Lizbeth González, Justices.

-----X

In the Matter of

Daniel P.,

**CONFIDENTIAL**

M-253

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

Docket No.  
NN-00473-17/19B

- - - - -

Administration for Children's Services,  
Petitioner-Respondent,

Noheme R. P.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved to withdraw the appeal taken from an order of the Family Court, Bronx County, entered on or about May 10, 2019, to relieve assigned counsel, and for related relief,

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

Ordered that the motion is granted.

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 March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Angela M. Mazzaelli  
Troy K. Webber, Justices.

-----X

Jerrick Associates,  
Plaintiff-Respondent-Appellant,

-against-

M-197  
M-374

Index No. 653103/16

Phoenix Owners Corp., Spiritos  
Properties, LLC, Jeff Spiritos and  
Atlantic Specialty Insurance Company,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about June 15, 2017,

And defendants-appellants-respondents having moved for an extension of time in which to perfect their appeal (M-197),

And plaintiff-respondent-appellant having moved for an extension of time in which to perfect their cross appeal (M-374),

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 granted to the extent of extending the time to perfect the appeal (M-197) and cross appeal (M-374), to the September 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 March 3, 2020.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
Barbara R. Kapnick  
Peter H. Moulton  
Lizbeth González, Justices.

-----X

390 Park Property LLC and 390 Park Avenue Associates, LLC,  
Plaintiffs-Appellants,

-against-

M-245  
Index No. 656861/19

WI/BSREP III 390 Park LLC, 390 Tower Associates, LLC and 390 Tower Associates,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 23, 2019, which, inter alia, denied plaintiffs' motion for a Yellowstone injunction,

And plaintiffs-appellants having moved for an order (i) staying and tolling their time to cure the defaults alleged in a certain Notice to Cure; (ii) enjoining defendants-respondents from taking any steps to terminate their lease or otherwise interfere with and/or disrupt their possession and beneficial use and enjoyment of the subject premises; (iii) enjoining defendants from commencing a summary proceeding based upon allegations set forth in the aforementioned Notice to Cure, or, in the alternative, staying such proceeding if it has already been commenced, pending the hearing and determination of the appeal,

And an interim stay having been granted by order of a Justice of this Court, entered December 24, 2019, on condition that (i) the \$2 million bond previously filed by plaintiffs remain in place, and (ii) plaintiff file and serve, on or before January 15, 2020, a licensed engineer's affidavit attesting that the sprinklers are installed in 100% compliance with Local Law 26,

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 plaintiffs perfect the appeal for the June 2020 Term, continue to maintain the \$2 million bond previously filed, and make reasonable, expeditious, good faith efforts to cure the Local Law 26 violation with the Department of Buildings.

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 March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Angela M. Mazzarelli  
Troy K. Webber, Justices.

-----X  
Richard J. Katz,  
Plaintiff-Respondent,

-against-

Evette J. Stark-Katz,  
Defendant-Appellant.  
-----X

**CONFIDENTIAL**

M-505

Index No. 311784/10

An appeal having been taken to this Court from the judgment of divorce of the Supreme Court, New York County, entered on or about April 26, 2019,

And defendant-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 enjoining any sale of the marital residence, pending hearing and determination of the appeal, and for leave to prosecute the appeal as a poor person, an extension of time to perfect the appeal, and related relief,

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

It is ordered that the motion, to the extent it seeks a preliminary appellate injunction and extension of time to perfect the appeal, is granted, and the sale of the marital residence is stayed, on condition that defendant perfects the appeal for the September 2020 Term, and it is further,

Ordered that the motion, to the extent it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101 and 22 NYCRR 1250.4(d)(1) and (2), and it is further

Ordered that the motion, to the extent it seeks the assignment of appellate counsel, 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 March 3, 2020.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Barbara R. Kapnick  
Peter H. Moulton  
Lizbeth González, Justices.

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

-against-

Roderick Covlin,  
Defendant-Appellant.

**Confidential**

**M-8876**

Ind. No. 4339/15

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 22, 2019,

And defendant-appellant having moved for an order (1) compelling the People to file with this Court certain unredacted documents that an inmate/informant had sent to New York County District Attorney's office on November 21, 2018, and directing that the documents be produced to defendant's counsel, or in the alternative, compelling the People to file the aforementioned documents with the Clerk of this Court, to be maintained as confidential, so as to allow counsel to review same, (2) compelling the identification and/or production of any other communications between the New York County District Attorney's office and the inmate/informant, and (3) 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. The time within which defendant-appellant shall perfect the appeal is hereby extended to the September 2020 Term of this Court.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
In the Matter of Abraham Gross,  
Petitioner-Appellant,

-against- M-8988  
Index No. 101081/19

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

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 23, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 March 3, 2020.

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

-----X

In the Matter of the Application of  
Jamaluddin Almahdi,  
Plaintiff-Appellant,

M-565

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

Index No. 100657/19

-against-

Hon. Lawrence Stephen,  
Defendant-Respondent.

-----X

Petitioner-appellant, having renewed his motion for leave to prosecute, as a poor person, the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 2, 2019, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief,

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

It is ordered that the motion is denied.

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
East 17th LLC,  
Petitioner-Appellant,

-against-

Kelly McCusker,  
Respondent-Respondent.

M-241  
L&T Index No. 51234/12  
N.Y. County Clerk  
Index No. 570796/17

-----X

Petitioner-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 April 9, 2019,

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

It is ordered that the motion is denied.

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 March 3, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
85th Columbus Corp.,  
Petitioner-Respondent,

-against-

Laura Eberman,  
Respondent-Appellant,

M-529  
Index No. 570655/17  
L&T Index No. 68189/16

"John and Jane Doe",  
Respondents.

-----X

Respondent-appellant, Laura Eberman, 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 October 24, 2019,

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

It is ordered that the motion is denied.

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 March 3, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----X

In the Matter of the Application of the State of New York,  
Petitioner-Respondent,

-against-

Jesus H.,  
Respondent-Appellant.

**CONFIDENTIAL**

M-8978

Index No. 30202/16

For Commitment Pursuant to Article 10 of the Mental Hygiene Law.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 31, 2019 (Appeal No. 10253),

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 March 3, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
Robert Pritsker,  
Plaintiff-Appellant,

M-129  
Index No. 155269/17

-against-

Oppenheimer Acquisition Corp., 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 December 3, 2019 (Appeal No. 10455),

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 March 3, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Anil C. Singh, Justices.

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

-against-

M-8763  
Ind. No. 937/11

Eddy Coello,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 4, 2015 (Appeal No. 15296), unanimously affirming a judgment of the Supreme Court, Bronx County (Ralph Fabrizio, J.), rendered on November 14, 2012,

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

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

It is ordered that the 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 March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzairelli  
Peter H. Moulton  
Lizbeth González, Justices.

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

-against-

**M-408**  
Ind. No. 2118/17

John Brady,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 24, 2019,

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

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

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

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

-against-

Ernest Bristel,  
Defendant-Appellant.

M-492  
Ind. Nos. 972/17  
2798/16

-----X

An order of this Court having been entered on August 2, 2018 (M-2649), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 20, 2017, under Indictment Nos. 972/17 and 2798/16, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of conviction of the same Court, entered on December 21, 2018, under Indictment No. 972/17,

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 aforementioned order of assignment is amended to include the judgment of conviction rendered on December 21, 2018, under Indictment No. 972/17, and to extend the poor person relief and assignment of counsel previously granted to cover same. Defendant shall perfect the appeal within 120 days of the date of this order or filing of the complete record, whichever is later.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x  
Bank of America, N.A. etc.,  
Plaintiff-Respondent,

M-522  
Index No. 35173/13

-against-

Aletha Angel,  
Defendant-Appellant,

Thomas Munro, et al.,  
Defendants.

-----x

Defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about January 28, 2019, and upon vacatur, for an extension 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 granted, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the September 2020 Term of this Court.

ENTERED:

  
-----  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x  
In the Matter of the Application of  
20 West Properties LLC,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-665  
of the Civil Practice Law and Rules, Index No. 260152/17

-against-

Steven Banks, as Commissioner of the  
New York City Human Resources  
Administration, et al.,  
Respondents-Respondents.

-----x  
An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about October 3, 2018, and said appeal having been perfected,

And respondents-respondents having moved to strike the name of public assistance recipients from the record on appeal,

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

It is ordered that the motion is granted, the record on appeal is stricken, and petitioner-appellant is directed to file a replacement record on appeal with the names of all public assistance recipients redacted from the record, including pp. 57, 233-235 and 274, on or before July 13, 2020 for the September 2020 Term, to which Term the appeal is adjourned.

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzairelli  
Peter H. Moulton  
Lizbeth González, Justices.

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

-against- Ind. No. 2248/17  
M-405  
196/18

Norberto Rodriguez,  
Defendant-Appellant.  
-----x

Appeals having been taken to from two judgments of the Supreme Court New York County, both rendered on or about January 3, 2019,

And defendant-appellant having moved to consolidate the appeals and upon consolidation, for an extension 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 granted, and the time in which to perfect the consolidated appeals is extended to the September 2020 Term of this Court.

ENTERED:

  
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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 March 3, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Angela M. Mazzarelli  
Peter H. Moulton  
Lizbeth González, Justices.

-----x  
Nationstar Mortgage LLC,  
Plaintiff-Respondent,

-against-

Clevon McCallum and Nicola McCallum, M-248  
Defendants-Appellants, Index No. 382890/09

-and-

Mortgage Electronic Registration  
System, Inc., as Nominee for  
Fremont Investment & Loan, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 23, 2019,

And defendants-appellants having moved for a stay of enforcement of the aforesaid order pending hearing and determination 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 on condition that the appeal is perfected for 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 March 3, 2020.

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

-----X

Elmrock Opportunity Master Fund, I,  
L.P.,  
Plaintiff-Appellant,

M-8329  
Index No. 653300/16

-against-

Citicorp North America, 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 October 31, 2019 (Appeal No. 10063),

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:

  
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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 March 3, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Jeffrey K. Oing  
Peter H. Moulton  
Lizbeth González, Justices.

-----x  
Anna Lutsenko,  
Plaintiff-Respondent,

-against-

Zbigniew Mark Slupinski, also known as  
Andre Grillet,  
Defendant-Appellant,

**CONFIDENTIAL**

M-8491  
Index No. 311022/17

-and-

Marianna Slupinska, et al.,  
Defendants.

-----x

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

And the trial attorney for the subject child, Colleen Samuels, Esq., having moved to be relieved as counsel, and for appointment of appellate counsel for said child,

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 relieving Colleen Samuels, Esq., as attorney for the child. That branch of the motion seeking appointment of appellate counsel for the child is denied as academic, the appeal having been dismissed (see M-8393, entered January 14, 2020).

ENTERED:

  
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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 March 3, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

**CONFIDENTIAL**

**M-267**

-against-

Ind. No. 2328/16

Adam Widgens,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County (Burke, J.), entered on or about September 26, 2019,

And Christina Swarns, Esq., Office of the Appellate Defender, assigned counsel for defendant in the SORA proceeding, having moved for an order relieving Christina Swarns, Esq., Office of the Appellate Defender as counsel to prosecute the SORA appeal, and appointing new counsel,

Now, upon reading and filing the correspondence from Christina Swarns, Esq., Office of the Appellate Defender, dated January 27, 2020, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence. (See, Order, M-334, decided simultaneously herewith).

ENTERED:

  
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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 March 3, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

**CONFIDENTIAL**

**M-334**

-against-

Ind. No. 2328/16

Adam Widgens,  
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 (Burke, J.), entered on or about September 26, 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 file 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 Burke as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., The Legal Aid Society, 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 March 3, 2020.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Barbara R. Kapnick  
Ellen Gesmer  
Jeffrey K. Oing, Justices.

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

**CONFIDENTIAL**

**M-7967**

-against-

Ind. No. 2328/16

Adam Widgens,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County (Burke, J.), entered on or about September 26, 2019,

And Christina Swarns, Esq., Office of the Appellate Defender, having moved for an order granting defendant poor person relief and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal,

Now, upon reading and filing the correspondence from the Office of the Appellate Defender, dated January 27, 2020, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence. (See, Order, M-334, decided simultaneously herewith).

ENTERED:

  
-----  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2020.

PRESENT: Hon. Cynthia S. Kern, Justice Presiding,  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
The Moore Charitable Foundation,  
et al.,  
Plaintiffs-Appellants-Respondents,

M-92  
Index No. 654584/17

-against-

PJT Partners, Inc., et al.,  
Defendants-Respondents-Appellants,

Andrew W.W. Caspersen,  
Defendant.

-----X

Plaintiffs-appellants-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 December 3, 2019 (Appeal No. 10461),

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:

  
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CLERK