

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 19, 2020.

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

-----X

Theodore Williams,
Plaintiff-Respondent,

-against-

M-1149
Index No. 158302/16E

Hudson Meridian Construction Group, LLC,
CREF 546 West 44th Street, LLC and
Patrinely Group, LLC.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2019,

Now, upon reading and filing the Stipulation Withdrawing Appeal of the parties hereto, dated February 18, 2020, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2020.

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

-----X

Hector Sanchez,
Plaintiff-Respondent,

-against-

M-1126
Index No. 301686/12

225 Fourth LLC, Orda Management Corp.,
and Yates Restoration Ltd.,
Defendants-Appellants.

- - - - -

[And a Third Party Action.]

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 28, 2019,

Now, upon reading and filing the Stipulation Withdrawing Appeal of the parties hereto, dated January 31, 2020, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 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.

- - - - -
Robert R.,
Petitioner-Respondent,

CONFIDENTIAL

M-580

Docket Nos. V-16543-17/19B
V-6332-18/19B

-against-

Denise S.,
Respondent-Appellant.

-----x

Respondent-appellant, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about January 8, 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 Wendy I. Luger, Esq., dated January 13, 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, Randall S. Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York, 11753, Telephone No. 603-313-1951, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See, M-797, dated March 19, 2020, released simultaneously herewith.)

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 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

Robert R.,
Petitioner-Respondent,

M-797

Docket Nos. V-16543-17/19B
V-6332-18/19B

-against-

Denise S.,
Respondent-Appellant.

-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about January 8, 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 Yusuf A. El Ashmawy, Esq., dated January 8, 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, Lewis S. Calderon, Esq., 153-03 Jamaica Avenue, Jamaica, New York, 11432, Telephone No. 718-883-1560, 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

(M-797)

-2-

March 19, 2020

if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See, M-580, dated March 19, 2020, released simultaneously herewith.)

ENTERED:


CLERK

(See, M-580, dated March 19, 2020, released simultaneously herewith.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 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 Guardianship and Custody of

Nicolas Jude B.

A Dependent Child Under 18 Years of Age Pursuant to §358-a of the Social Services Law of the State of New York and/or Article 10 or 10-A of the Family Court Act.

CONFIDENTIAL

M-744

Docket No. G-19617-18

- - - - -

Rosetta B.,
Petitioner-Respondent,

Administration for Children's Services,
Respondent-Respondent,

Michelle B.,
Respondent-Appellant.

- - - - -

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

-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about January 22, 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 Maura Keating, Esq., dated January 27, 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, Richard L. Herzfeld, Esq.,

112 Madison Avenue, 8th Floor, New York, New York 10016, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 days** of receipt 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 March 19, 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 Under Article 8 of the
Family Court Act.

CONFIDENTIAL

M-795

Melinda B.,
Petitioner-Respondent,

Docket No. O-14051-17

-against-

Jonathan L. P.,
Respondent-Appellant.

Rhonda Albright, Esq., Children's Law
Center, Attorney for the Child.

-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about October 22, 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 Israel Premier Inyama, Esq., dated February 6, 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, Lewis S. Caldron, Esq., 153-03 Jamaica Avenue, Jamaica, New York, 11432 Telephone No. 718-883-1560, 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

(M-795)

-2-

March 19, 2020

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 19, 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.

- - - - -

Stacey-Ann, H.-J.,
Petitioner-Respondent,

CONFIDENTIAL

M-924

Docket Nos. V-3237-9/18
V-5853-5/18

-against-

Ian J.,
Respondent-Appellant.

-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about December 11, 2019, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Joseph V. Moliterno, Esq., dated January 20, 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, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, New York, 10007, Telephone No. 212-227-0206, 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

(M-924)

-2-

March 19, 2020

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 19, 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-635
Ind. No. 2696/19

Michael Stephens,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 11, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 19, 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-641
Ind. No. 5131/16

Alihadj Sako,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 16, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 19, 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-918
Ind. No. 2975/14

Ricky Alston,
Defendant-Appellant.

-----X

Defendant-appellant 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 November 22, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 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-978

Ind. No. 1217N/18

Adonis Acosta,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2020.

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

-----X

In re Local 621, et al.,
Petitioners-Respondents-Appellants,

-against-

The New York City Department of
Transportation, et al.,
Respondents-Appellants-Respondents.

-----X

M-350
M-8811
M-8824

Index No. 101831/17

Petitioners-respondents-appellants having moved (M-8811) for clarification, reargument of, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 7, 2019 (Appeal Nos. 9991-9991A),

And Respondents-appellants-respondents having moved (M-8824) for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the aforementioned decision and order of this Court, entered on November 7, 2019 (Appeal Nos. 9991-9991A),

And petitioners-respondents-appellants having moved (M-350) to vacate the statutory stay (CPLR 5519) of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 16, 2018, and of the aforementioned decision and order of this Court entered on November 7, 2019 (Appeal Nos. 9991-9991A),

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

It is ordered that the motions (M-8811, M-8824 and M-350) are denied in their entirety.

ENTERED:



CLERK

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

BEFORE: Hon. David Friedman
Associate Justice of the Appellate Division

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

-against-

Jose Lopez,

Defendant.
-----X

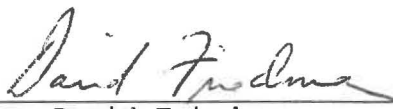
ORDER
M-1276
Ind. No. 2148/2019
Case No. 2020-01765

An application having been made by defendant, pursuant to CPL 245.70(6), for expedited review of a ruling of a Justice of the Supreme Court, New York County (Mennin, J.), as set forth in an order of that court, dated March 2, 2020, which granted the People's motion for a protective order, and, upon review, to vacate or modify the ruling

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

Ordered that the application is denied, and it is further

Ordered that the papers submitted in connection with the motion are deemed to be filed under seal and shall continue to be sealed.



Hon. David Friedman
Associate Justice

Dated: March 11, 2020
New York, New York

ENTERED: MAR 19 2020

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 19, 2020.

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

-----X
In re The People of the State of New York,
ex rel. Pamela Roth, on behalf of Roy
Taylor,
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner,
New York City Department of Correction,
Respondent-Respondent.

M-86

M-8643

Index No. 100885/19
Ind. Nos. 5342/15
1614N/17
3065/17

-----X

Petitioner-appellant having moved by separate motions for reargument and renewal (M-86) and/or, in the alternative, for reargument or leave to appeal to the Court of Appeals (M-8643), from the decision and order of this Court, entered on November 12, 2019 (Appeal No. 10497, M-7499),

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

It is ordered that the motions are denied in all respects.

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 19, 2020.

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

-----X
Jeffrey Johnson,
Plaintiff-Appellant,

-against-

M-356
Index No. 102034/12

S.W. Management, LLC, 78/79 York
Associates, LLC and Various John and
Jane Does,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved to vacate the order of this Court, entered on December 12, 2019 (M-7911),

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 19, 2019.

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

-----x
Christopher Favaloro,

Plaintiff-Respondent-Appellant,

-against-

M-217

M-441

Index No. 101119/12

Port Authority of New York and New Jersey,
Defendant-Appellant-Respondent,

Guardian Service Industries, Inc.
Defendant,

Turner Construction Co., Two World
Trade Center, LLC,
Defendants-Respondents-Appellants,

Granite Construction Northeast, Inc.,
Defendant,

Halmar International,
Defendant-Respondent-Appellant,

-and-

Granite-Halmar Construction Company,
Inc.,
Defendant.

-----X
Guardian Service Industries, Inc.,
Third-Party Plaintiff,

-against-

Moretrench American Corp,
Third-Party Defendant.

-----X

An appeal and cross appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 29, 2018,

And plaintiff-respondent-appellant, Christopher Favaloro, having moved (M-217) for reargument of that portion of this Court's order, entered on December 19, 2019 (M-8370/M-8430), which solely struck Point 1(c) of the brief of the defendants-respondents-appellants Turner Construction Co., Two World Trade Center, LLC and Halmar International, rather than Point 1 in its entirety, or, in the alternative, granting an enlargement of the record on appeal,

And defendants-respondents-appellants, Turner Construction Co., Two World Trade Center, LLC and Halmar International, having cross moved (M-441) for reargument of that portion of this Court's order, entered on December 19, 2019 (M-8370/M-8430), which struck Point 1(c) of their brief, and upon reargument, for denial of the motions to strike,

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 plaintiff-respondent-appellant's motion for reargument (M-217) is granted, and upon reargument this Court adheres to its original determination (M-9370/M-8430, entered December 19, 2019), without prejudice to plaintiff-respondent-appellant raising his arguments in his brief and/or at oral argument of the appeals, and it is further

Ordered that defendants-respondents-appellants' cross-motion (M-441) 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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Cynthia S. Kern
Anil C. Singh, Justices.

-----X

Chao Jiang,
Plaintiff-Respondent,

-against-

M-387
M-689

Ping An Insurance, a China Limited
Company, et al.,
Defendants,

Index No. 652260/15

Huatai Insurance Group of China, a China
Limited Company, et al.,
Defendants-Appellants.

-----X

Defendants-Appellants having moved (M-387) 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 January 16, 2020 (Appeal No. 10806N), which affirmed the order of the Supreme Court, New York County, entered on or about December 7, 2018,

And plaintiff-respondent having cross moved (M-689) for an order vacating the stay of enforcement of the aforesaid order of the Supreme Court, New York County, entered on or about December 7, 2018, granted by order of this Court entered January 17, 2019 (M-6523), and for related relief,

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 by defendants-appellants (M-387) for reargument or leave to appeal to the Court of Appeals is denied, and it is further

Ordered that the motion by plaintiff-respondent (M-689) to vacate the aforesaid stay pending appeal granted by this Court is denied as unnecessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Cynthia S. Kern, Justices.

-----X

Mark Rodriguez,

Plaintiff-Appellant,

-against-

M-788

Index No. 570206/19

Anass Elkouhen and Super Service Station, Inc.,

Defendants-Respondents.

-----X

Plaintiff-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 October 28, 2019, and for other relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

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

-against-

Yiqiao Wang,
Defendant-Appellant.

CONFIDENTIAL

M-695

Ind. No. 4975/17

-----x

An appeal having been taken from an order of the Supreme Court, New York County, rendered on or about February 28, 2019,

And defendant-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of said appeal, and upon reinstatement, for an extension of time to perfect the appeal,

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

It is ordered that the motion is granted and the time to perfect said appeal is extended to the September 2020 Term. That branch of the motion which seeks reinstatement of the appeal is denied as unnecessary, as the appeal was not dismissed (see, 22 NYCRR 1250.10[b]).

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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

-----X
Mayra Moran,
Plaintiff-Respondent,

-against-

M-777
Index No. 304288/12

Webster Lock & Hardware Co., Inc.,
Defendant-Appellant,

2085 LLC, Webster Lock and Company, Inc.,
Webster Locksmith and Welding Company and
Chestnut Holding of New York, Inc.,
Defendants.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 12, 2019, (Case No. 2020-00968),

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

Corrected

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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

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

-against-

M-794
Ind. No. 1821/18

Joshua Paniagua,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, **New York** County, rendered on or about June 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 moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

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

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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Keith Sawyer,,
Petitioner,

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

M-906
Index No. 101448/15

-against-

William Bratton, as Police
Commissioner of the New York City
Police Department, Rosemarie
Maldonado, as Deputy Commissioner in
the New York City Police Department,
The New York City Police Department
and the City of New York,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 27, 2016, and said proceeding having subsequently been dismissed pursuant to 22 NYCRR 1250.10(a),

And petitioner having moved to vacate the dismissal of the proceeding, and for an extension of time to perfect said 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 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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Francisco Payano,
Petitioner,

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

M-933
Index No. 154144/16

-against-

William Bratton, as Police
Commissioner of the New York City
Police Department, David Weisel, as
Assistant Deputy Commissioner in the
New York City Police Department, The
New York City Police Department and
the City of New York,
Respondents.

-----X
An Article 78 proceeding to review a determination of
respondents having been transferred to this Court, pursuant to
CPLR 7804(g), by order of the Supreme Court, New York County,
entered on or about June 26, 2017, and said proceeding having
subsequently been dismissed pursuant to 22 NYCRR 1250.10(a),

And petitioner having moved to vacate the dismissal of the
proceeding, and for an extension of time to perfect said
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 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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Jacob Solorzano,
Petitioner,

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

M-934
Index No. 100045/14

-against-

Raymond W. Kelly, as Former Police
Commissioner of the New York City
Police Department, The New York
City Police Department and the
City of New York,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 16, 2014, and said proceeding having subsequently been dismissed pursuant to 22 NYCRR 1250.10(a),

And petitioner having moved to vacate the dismissal of the proceeding, and for an extension of time to perfect said 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 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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Ellen Gesmer
Lizbeth González, Justices.

-----X
In the Matter of the Application of
Brian O'Byrne,
Petitioner,

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

M-936
Index No. 154124/17

-against-

James O'Neil, as Police
Commissioner of the New York City
Police Department, The New York
City Police Department and the
City of New York,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 28, 2017, and said proceeding having subsequently been dismissed pursuant to 22 NYCRR 1250.10(a),

And petitioner having moved to vacate the dismissal of the proceeding, and for an extension of time to perfect said 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 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 19, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Lizbeth González, Justices.

-----X
Miguel Sinchi,
Plaintiff-Respondent,

-against-

M-955
Index No. 155217/15

HWA 1290 III LLC, HWA 1290 IV LLC,
HWA 1290 V LLC and W5 Group LLC,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 23, 2019, and said appeal having been perfected,

And defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-372

Ind. No. 39788/13

Nazim Reid,

Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 27, 2014, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied (see, CPL 460.30).

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 19, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

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

-against-

M-399
Ind. No. 150/18

Michael Young,
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 19, 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 deeming the Notice of Appeal to have been timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----x

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

Yadira S.,
Petitioner-Respondent,

CONFIDENTIAL

M-524

Docket Nos. V-18808-09/16

-against-

Rafael H.,
Respondent-Appellant.

-----x

Petitioner-respondent having moved to dismiss the appeal taken from the order of the Family Court, Bronx County, entered on or about February 28, 2017, for failure to timely prosecute,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTERED:


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 19, 2020.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----X
U.S. Bank Nation Association, etc.,
Plaintiff-Respondent,

-against-

M-771
Index No. 32349/17E

Mark Abu,
Defendant-Appellant,

New York City Environmental Control
Board, et al.
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 16, 2019, and defendant-appellant having moved for leave to appeal from said order and to stay its enforcement pending the hearing and determination of the appeal taken therefrom,

And by order entered January 24, 2020, a Justice of this Court issued an interim stay of the foreclosure sale pending the determination of the within motion,

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

It is ordered that the motion is granted to the extent of staying the enforcement of Supreme Court's April 16, 2019 order, pending hearing and determination of the appeal taken therefrom, and on the condition that the appeal is perfected for the September 2020 Term of this Court. That branch of the motion seeking leave to appeal said order to this Court is denied as unnecessary, the order being appealable as of right.

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 19, 2020.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Lizbeth González, Justices.

-----x
Bubacarr Sinera,
Plaintiff-Respondent,

-against-

Bedford-Webster LLC, et al.,
Defendants-Respondents-Appellants,

-and-

3170 Webster Avenue, LLC,
Defendant-Appellant-Respondent.

M-796
Index No. 23902/15E

Bedford-Webster LLC,
Third-Party Plaintiff-Respondent-
Appellant,

-against-

Joy Construction Corp.,
Third-Party Defendant-Appellant-
Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 14, 2019,

And defendant-appellant-respondent 3170 Webster Avenue, LLC and third-party defendant-appellant-respondent Joy Construction Corp. having moved for a stay of trial in Supreme Court 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 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 19, 2020.

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

-----X
In re Edgewater Apartments, Inc.,

Petitioner-Appellant,

-against-

M-300
Index No. 152211/18

New York City Planning Commission,
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 November 26, 2019 (Appeal No. 9968),

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 19, 2020.

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

-----X
In re Brookdale Physicians' Dialysis Associates, Inc., formerly know as Church Avenue Associates, Inc.,
Petitioner-Respondent,

Samuel and Bertha Schulman Institute for Nursing and Rehabilitation Fund, Inc., etc.,
Petitioner,

M-177
Index No. 156074/17

-against-

The Department of Finance of the City of New York,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on December 3, 2019 (Appeal No. 10471),

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 19, 2020.

Present - Hon. Dianne T. Renwick,
Rosalyn H. Richter
Angela M. Mazzarelli
Anil C. Singh,

Justice Presiding,

Justices.

-----x

Lin Li,
Plaintiff-Respondent,

-against-

SEALED

M-943

Index No. 307959/15

Rong Lin,
Defendant-Appellant.

-----x

Appeals having been taken to this Court by defendant-appellant from orders of the Supreme Court, New York County, entered on or about February 20, 2019 and on or about May 24, 2019, and said appeals having been perfected,

And plaintiff-respondent having moved for an order striking defendant-appellant's brief as untimely, and granting plaintiff's attorney's fees and costs and disbursements with respect to this motion,

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 strike defendant-appellant's brief and for related relief is denied. The dismissal of defendant's appeal from the May 24, 2019 order is vacated, and the appeal is reinstated and deemed timely perfected for the May 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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

M-50
M-8705
M-51

-against-

Ind. Nos. 2839/16
2421/16

Shiva Sharma,
Defendant-Appellant.

-----X

Defendant having separately moved for leave to prosecute, as a poor person, the appeals taken from judgments of the Supreme Court, New York County, rendered on or about August 6, 2019, under Indictment No. 2839/16 (M-50 and M-8705) and Indictment No. 2421/16 (M-51), for assignment of counsel, and for related relief,

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

It is ordered that the motions are denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), and 22 NYCRR 1250.4(d) (1) and (4), setting forth, inter alia, his indigency, including the amount and sources of funds utilized to retain private trial counsel the disposition of those funds and assets used to post bail, and an explanation as to why similar funds are not available to prosecute the appeals.

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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

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

Respondent,

-against-

M-443
Ind. No. 2282/17

Rushane Waul,

Defendant-Appellant.
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 26, 2017, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied (see, CPL 460.30).

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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
Rajendranauth Bisnath and Taramatie
Bisnamth,
Plaintiffs-Appellants,

-against-

M-769
Index No. 310337/10

Joan Chiappa Porteus, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a further extension of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 26, 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 granted to the extent of extending the time to perfect the appeal 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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----x

Patrick H. Barclay, also known as
Independent Anchor,
Plaintiff-Appellant,

M-790
Index No. 401104/12

-against-

Citibank, N.A.,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 3, 2019, and said appeal having been subsequently dismissed pursuant to 22 NYCRR 1250.10(a),

And plaintiff-appellant having moved to vacate the dismissal of the appeal, for an extension of time to perfect the reinstated appeal, and for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that that branch of the motion seeking to vacate the dismissal of the appeal is denied. Accordingly, plaintiff's request 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 March 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
29-33 Convent Avenue Housing
Development Fund Corporation,

Petitioner-Landlord-Respondent,

-against-

M-814
Index No. 570201/16

Simona Bost,

Respondent-Tenant-Appellant.
-----X

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 December 22, 2017,

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

It is ordered that the motion is 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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
Hudson Insurance Company,
Plaintiff-Respondent,

-against-

M-883
Index No. 155869/16

Kaleil Isaza Tuzman,
Defendant-Appellant,

-and-

Robyn Smyth,
Defendant.

-----X
Defendant-appellant, having moved for an extension of time to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about September 27, 2017,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeals to the November 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 19, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

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

-against-

M-895
Ind. No. 4821/16

Joseph Ferrigno,
Defendant-Appellant.

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

-against-

Ind. No. 4821/16

Erin Wicomb,
Defendant-Appellant.

-----x

Consolidated Appeals having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 21, 2019,

And separate orders of a Justice of this Court having been entered on March 28, 2019 granting bail pending appeal and staying the execution of the judgment on condition that the appeals be perfected within 100 days thereof,

And defendants-appellants having moved, on consent of the People, for an extension of time in which to perfect their consolidated appeals, and for a continuation of the stays of execution of sentence and bail pending hearing and determination of said consolidated appeals,

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

It is ordered that the motion is granted to the extent of extending the stay of execution of the sentence and bail pending appeal, previously granted by order of a Justice of this Court, dated March 28, 2019, and extended by an order of this Court entered January 2, 2020 (M-8397), upon the original terms and conditions and on further condition appellants perfect the consolidated appeals for 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 19, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Anil C. Singh
Peter H. Moulton, Justices.

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

-against-

M-668
Ind. No. 3927/16

Andy Lopez,
Defendant-Appellant,

-----X

An order of this Court having been entered on April 2, 2019 (M-770) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2018, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York, 10005, Telephone No. 212-577-2523 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

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 19, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Anil C. Singh
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-8696

Ind. No. 5373/14

Peter Fuentes,

Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 6, 2015, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied (see, CPL 460.30).

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 19, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Olusola Akinsawe,
Petitioner-Appellant,

-against-

M-709
Index No. 260409/19

SP Plus Corporation,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 19, 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 19, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Cynthia S. Kern, Justices.

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

-against-

M-786
Ind. No. 964/17

Nino Vargas,
Defendant-Appellant,

-----X

An order of this Court having been entered on October 9, 2018 (M-4003) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 6, 2017, and assigning Justine M. Luongo, Esq., predecessor counsel to Janet E. Sabel, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York, 10005, Telephone No. 212-577-2523 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

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 19, 2020.

Present - Hon. Judith J. Gische, Justice Presiding,
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----x

In the Matter of the Application of:
Anonymous 1 and Anonymous 2,
Co-Petitioners,

For the Appointment of a Guardian for
Anonymous 3,

CONFIDENTIAL

M-715

Index No. 500198/15

An Alleged Person in Need of a Guardian,

For an Order Removing the Property
Management Guardian and for
Appointment of a Successor Property
Management Guardian(s).

-----x

An appeal having been taken to this Court by the objector Adam M. from an order of the Supreme Court, New York County entered on or about April 30, 2019, which declined to sign an order to show cause seeking to remove the property management guardian,

And the objector, Adam M., having moved, pursuant to CPLR 5521(a) and 22 NYCRR 1250.15(a)(2)), for an order granting a preference in the hearing of the appeal by placing it immediately on the Court's calendar,

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 19, 2020.

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

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

Respondent,

-against-

M-8870
Ind. No. 3971/16

Norman McKenny,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on November 26, 2019 (Appeal No. 10436),

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

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

BEFORE: Hon. Anil C. Singh
Justice of the Appellate Division

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

Respondent

-against-

Eric Davidson

Defendant.

-----X

M-697
Ind. No.
150/10
CERTIFICATE
DENYING LEAVE

I, Hon. Anil C. Singh, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that, upon application timely made
by the above-named defendant for a certificate pursuant to Criminal
Procedure Law, section 460.15, and upon the record and proceedings herein,
there is no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and permission to
appeal from the order of the Supreme Court, New York County (Michael J.
Obus, J.), entered on or about December 20, 2019 is hereby denied.



Hon. Anil C. Singh
Associate Justice

Dated: March 5, 2020
New York, New York

ENTERED: MAR 19 2020