

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

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

Respondent,

-against-

Charles McN.,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-4572

Ind. No. 5062/16

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 27, 2017, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Troy K. Webber
Peter H. Moulton, Justices.

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

-against-

M-4915
Ind. No. 3181/15

West Spruill,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 25, 2018 (M-4416), inter alia, granting defendant-appellant's motion 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 7, 2017, under Indictment No. 3181/15, and assigning counsel therefor,

And defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the aforesaid judgment of the Supreme Court, Bronx County, (M-4915),

And counsel for defendant-appellant having submitted correspondence, dated October 11, 2018, seeking to withdraw the instant motion (M-4915) as redundant,

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

It is ordered that the instant motion (M-4915) is withdrawn in accordance with the correspondence dated October 1, 2018.

ENTERED


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Peter Tom, Justice Presiding,
Troy K. Webber
Jeffrey K. Oing
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4247
Ind. No. 2627/09

Ramon Lara,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court, entered on August 16, 2018 (Appeal Nos. 6063-6064),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on August 16, 2018 (Appeal Nos. 6063-6064) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 6063-6064, 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 October 25, 2018.

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

-----X
Hazel Williams,
Plaintiff-Respondent,

-against-

M-4319X
Index No. 109632/11

New York City Transit Authority,
Defendant-Appellant.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about October 27, 2017 and February 1, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 14, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X
In the Matter of the Application for
the Construction and Reformation of
The Carcanagues Living Trust under
Agreement dated June 6, 1997 created
by Jacques Carcanagues, as Grantor and
Trustee, and now,

M-4569
Index No. 3399/14

Deceased,

Sergio Francescon and David Glassman,
as Trustees of the Carcanagues
Living Trust,

Petitioners-Appellants.
-----X

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about August 17, 2017,

Now, upon reading and filing the correspondence of counsel for petitioners-appellants, dated August 27, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X

In Re Probate Proceeding. Will of
Marie Pepe,
Deceased.

Surrogate's Court
M-4576X
File No. 2016-2139

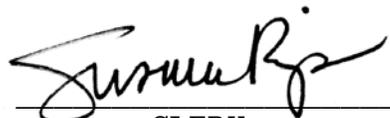
-----X

An appeal having been taken from an order of the Surrogate's Court, Bronx County, entered on or about March 1, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 12, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X
Juli Alvarez, et al.,

Plaintiffs-Respondents,

-against-

M-4584
Index No. 155275/16

EQR-71 Broadway A, L.L.C.,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 26, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated September 11, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X
VNB New York, LLC,

Plaintiff-Appellant,

-against-

M-4593
Index No. 652149/17

Charles Paskesz, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 7, 2018,

Now, after reading and filing the correspondence by counsel for plaintiff-appellant, dated September 14, 2018, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

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

- - - - -
Xavier C.,
Petitioner-Respondent,

CONFIDENTIAL
M-4879
Docket No. V-9489-14/16C

-against-

Armetha K.,
Respondent-Appellant.

- - - - -
Eva D. Stein, Esq.,
The Children's Law Center,
Attorney for the Child,

-----X
Petitioner-respondent father, Xavier C., having moved for leave to respond, as a poor person, to the appeal from two orders of the Family Court, New York County, both entered on or about February 1, 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 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, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, New York, 11432, Telephone No. 718-791-8444, 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 October 25, 2018.

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

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

Respondent,

-against-

Oscar Sanders,

Defendant-Appellant.
-----X

M-4363
Ind. Nos. 2762/16
4126/16

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 11, 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.

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4365

Ind. Nos. 841/17
1803/17

Luis Sierra,
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 January 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4366
Ind. No. 1878/16

John Arias,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 8, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 October 25, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4372

Ind. Nos. 2127/17
3708/17

Hunter Waring,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

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

-against-

M-4373

Ind. No. 971/15

Henry Otero,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, 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 October 25, 2018.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4374

Ind. No. 3557/16

Ricardo Velez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

-----X
Steven Kind and Deana Kind,
individually and as husband and wife,
Plaintiffs-Appellants,

-against-

1177 Avenue of the Americas
Acquisitions, LLC, et al.,
Defendants-Respondents.

M-4085
Index No. 151273/13

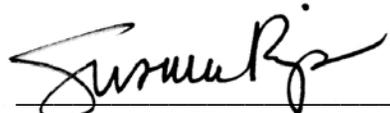
-----X

Plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 20, 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. The Clerk is directed to maintain the appeal on the calendar for the November 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman,
Barbara R. Kapnick
Troy K. Webber
Peter H. Moulton, Justices.

-----x
Landmark Ventures, Inc. and
Landmark Ventures (USA), Inc.,
Plaintiffs-Appellants,

M-4966

-against-

Index No. 653761/16

Insightec Ltd. and
Kreisberg & Maitland LLP,
Defendants-Respondents,

-----x

Appeals having been taken to this Court by plaintiffs-appellants from orders of the Supreme Court, New York County, entered on or about April 4, 2017, and said appeals having been perfected (Cal. Nos. 2018-989 and 2018-1036),

And defendant-respondent Kreisberg & Maitland LLP having moved for an order:

(1) sealing the proceedings before this Court, including NYSCEF filings, and upon sealing these proceedings, permitting the parties to e-file documents in unredacted form and otherwise share relevant documents with counsel of record;

(2) directing plaintiffs-appellants to supplement the record on appeal to include the exhibits that accompanied defendant-respondent movant's motion to dismiss the complaint herein;

(3) permitting defendant-respondent to supplement the record to include the order of the Supreme Court, New York County, entered on June 6, 2018, dismissing a subsequent complaint filed by plaintiffs-appellants in a related action (*Landmark Ventures, Inc. et al. v . Kreisberg & Maitland LLP, et al.*, Index No. 655089/17), and

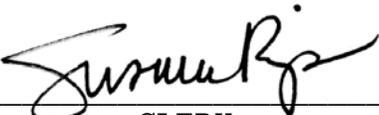
(4) joining this appeal with plaintiffs-appellants' appeal of the dismissal order in the related action (Cal. No. 2018-2985),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 12, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent that (i) the record on appeal, briefs and all future filings are sealed. The parties' attention is directed to Section 1245.8 of the Practice Rules of the Appellate Division with respect to the filing of sealed documents; and (ii) plaintiffs-appellants are directed to supplement the record to include the exhibits attached to the moving papers as Ex. 1, and

It is further ordered that the perfected appeals taken by plaintiffs-appellants in this action (Cal. Nos. 2018-989 and 2018-1036) are adjourned to the April 2019 Term. The time to perfect the appeal in the related action (Cal. No. 2018-2985) is enlarged to the April 2019 Term. The Clerk of the Court is directed to calendar all three appeals to be heard together on the same date for the April 2019 Term, if the appeal in the related action is perfected. Defendant-respondent movant's request to supplement the record herein to include the dismissal order in the related action is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Reliance Ambulette, Inc.,

Petitioner-Appellant,

-against-

M-4312

Index No. 160717/16

Dennis Rosen as Medicaid Inspector General of the State of New York, The State of New York Office of The Medicaid Inspector General, The New York State Department of Health, and Denise Lepicier as The Administrative Law Judge,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 14, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Arkin Kaplan Rice LLP., Stanley S. Arkin
and Lisa C. Solbakken,

Plaintiffs-Appellants,

-against-

Howard Kaplan, Michelle Rice and
Kaplan Rice LLP.,

Defendants-Respondents,

Arkin Kaplan Rice, LLP., a dissolved firm,

Nominal Defendant.

-----X

Plaintiffs having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about December 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 enlarging the time to perfect the appeal to the May 2019 Term.

ENTERED:


CLERK

CORRECTED ORDER - October 26, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present = Hon. John W. Sweeny, Jr., Justice Presiding,
 Judith J. Gische
 Angela M. Mazzairelli
 Troy K. Webber
 Marcy L. Kahn, Justices.

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

-against-

M-4583
Ind. No. 5395/13

Michael Simmons,
 Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 4, 2015, and to continue the bail relief granted by an order of a Justice of this Court, entered on March 3, 2015 (M-902), and continued by an order of this Court, entered on June 22, 2018 (M-3157),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the **February** 2019 Term, continuing the previous bail relief on all the original conditions set forth in the order entered March 3, 2015 (M-902), and on the further condition that the appeal is perfected on or before **December 3, 2018** for the **February** 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4282
Ind. No. 898/12

Manuel Castellanos,

Defendant-Appellant.
-----X

Respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 2, 2013,

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 without prejudice to respondent raising its arguments on the direct 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 October 25, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against- **M-4284**
Ind. Nos. 3091/14
578/14

Cesar Pimentel,
Defendant-Appellant.

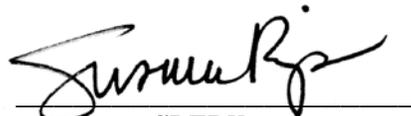
-----X

An order of this Court having been entered on August 9, 2018 (M-2921) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgments of the Supreme Court, New York County, rendered on or about January 29, 2015, and assigning Justine M. Luongo, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of Justine M. Luongo, 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 180 days from the date of this order or 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 October 25, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-4418

Ind. No. 3381/14

Melissa Bishop,

Defendant-Appellant.
-----X

The Legal Aid Society, counsel for defendant-appellant, having moved for an order dismissing defendant's perfected appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 22, 2016, as moot,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,
 Peter Tom
 Ellen Gesmer
 Cynthia S. Kern
 Peter H. Moulton, Justices.

-----X
Commerce and Industry Insurance
Company,
 Plaintiff-Appellant,

M-4428
Index No. 150620/15

-against-

Delta Environmental, Inc., et al.,
 Defendants-Respondents.

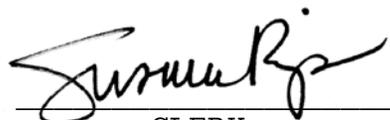
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about July 26, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2019 Term, with leave to seek further enlargements, if so advised.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
1591 Second Avenue LLC, 1593 Second Avenue LLC, 1595-1597 Second Avenue LLC, 246 East 83 Street LLC and 248 East 83 Street LLC,

Plaintiffs-Respondents,

-against-

M-4429

Index No. 161539/15

Metropolitan Transportation Authority
and MTA Capital Construction Company,

Defendants-Appellants.
-----X

Defendants-appellants having moved for enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about August 28, 2017,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----x
Marie Holdings, Inc.,

Plaintiff-Respondent,

-against-

M-3696
Index No. 810052/11

Biclyn Corp., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 30, 2018, which conditioned the stay of a certain foreclosure sale on defendants posting an undertaking in the amount of \$500,000,

And defendants-appellants having moved to cancel a scheduled foreclosure sale, and to stay all proceedings pending the determination of their appeal from the aforesaid order, without the requirement that they post an understanding,

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 interim relief granted by the order of a Justice of this Court, dated July 26, 2018, is vacated.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,
 Troy K. Webber
 Cynthia S. Kern
 Jeffrey K. Oing, Justices.

-----X
IHG Management (Maryland) LLC,
Plaintiff-Respondent,

-against-

M-3774
Index No. 655914/17

West 44th Street Hotel LLC,
Defendant-Appellant,

Tishman Asset Corporation,
Defendant.

-----X

Defendant-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 July 3, 2018 (Appeal Nos. 7043, 7044, 7045),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 Troy K. Webber
 Cynthia S. Kern
 Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-4423

Ind. No. 2020/16

Lee Almonte,

Defendant-Appellant.

-----X

The People having moved for reargument of the decision and order of this Court, entered on August 9, 2018 (M-2735), which denied their motion to dismiss the appeal, and 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 for reargument is granted and, upon reargument, the People's motion to dismiss the appeal is denied without prejudice to the People raising their arguments in their respondent's brief on 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 October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Level 3 Communications, LLC (now
known as Centurylink), et al.,

Plaintiffs-Appellants,

-against-

M-3506
Index No. 156255/16

Jacques Jiha, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant, Level 3 Communications, LLC (now known as Centurylink), having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 7, 2018 (Appeal Nos. 6825-6826),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

-----X
Renata Sklarova,
Plaintiff-Respondent-Appellant,

-against-

M-4292
Index No. 805212/14

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

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

-----X

Plaintiff-respondent-appellant having moved for an order enlarging the time in which to perfect a cross appeal from an order of the Supreme Court, New York County, entered on or about September 27, 2017, to consolidate such appeal with the appeal from the order of the Supreme Court, New York County, entered on or about May 25, 2018, and for the appeals to be heard on the same calendar day, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the March 2019 Term, and directing the Clerk of the Court to calendar said appeals on the same calendar date.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----X
Alexandra K.,

Plaintiff-Appellant,

-against-

CONFIDENTIAL

M-3796

Index No. 305550/14

Paul K.,
Defendant-Respondent.

-----X

Appeals having been taken from (5) orders of the Supreme Court, New York County, entered on or about December 30, 2015, March 23, 2017 and April 5, 2017 (2 orders) and October 12, 2017; said appeals having been consolidated by an order of this Court, entered on December 14, 2017 (M-5445),

And plaintiff-appellant having moved for a stay of enforcement of the interim order of the Supreme Court, New York County, entered on July 18, 2018, pending its appeal and determination of the previously consolidated appeals noticed for the September 2018 term,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 12, 2018, and due deliberation having been had thereon,

It is ordered that the aforesaid appeals are deemed withdrawn pursuant to the parties' stipulation. The motion is denied as academic.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Troy K. Webber
Anil C. Singh, Justices.

-----x
New York Helicopter Charter, Inc.,
Plaintiff-Respondent,

-against-

Peter Borneman, etc., et al.,
Defendants,

M-4124
Index No. 152189/14

-and-

Keystone Turbine Services, LLC,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2018, and said appeal having been perfected,

And defendant-appellant having moved for a stay of all proceedings, including discovery, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted, and the Clerk is directed to maintain the appeal on the November 2018 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Kelvin Rodriguez, as Administrator
of the Estate of Fiordaliza Pichardo,
Deceased, and Fiordaliza Pichardo,
Individually,

Plaintiff-Respondent-Appellant,

-against-

Elsa M. Then,
Defendant,

Bronx Lebanon Hospital Center, Sahitya
Mallipeddi, M.D., Isaac Dapkins, M.D.
and Jessica Fleisher-Black, M.D.,
Defendants-Appellants-Respondents,

Jane Doe Nurses, et al.,
Defendants.

M-4079
M-4375
Index No. 21033/11

-----X

An appeal and a cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 18, 2016,

And plaintiff-respondent-appellant having moved for a further enlargement of time to perfect their cross-appeal (M-4375),

And defendants-appellants-respondents having moved for a further enlargement of time to perfect their appeal (M-4079),

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

(M-4079/M-4375)

-2-

October 25, 2018

It is ordered that the time to perfect the appeal and cross appeal is enlarged to the March 2019 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Billy Chicago Limited,
Plaintiff-Respondent,

-against-

M-4105

Index No. 650234/14

Chicago China Tour, LLC, et al.,
Defendants-Appellants.

- - - - -

Chicago China Tour, LLC,
Third-Party Plaintiff-Appellant,

-against-

Index No. 595171/16

National Artists Management Company,
Inc., et al.,
Third-Party Defendants.

- - - - -

[And another action]

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about June 29, 2018,

And defendant/third-Party plaintiff-appellant Chicago China Tour LLC having moved for a stay of trial on damages pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendants/third-party plaintiff dated September 12, 2018, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

Ramon Reyes,

Defendant-Appellant.

M-4125
Ind. Nos. 2016/16
119/16

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal and 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 September 5, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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.

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 October 25, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

Taylonn Murphy,
Defendant-Appellant.

M-4157

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

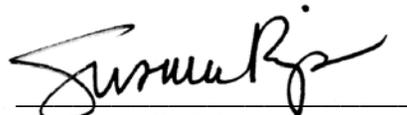
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 24, 2016, for leave to have the appeal heard 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, with leave to renew, upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth his indigency, the terms of defendant's retainer agreement with trial counsel, Patrick Brackley, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this 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 October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
In the Matter of

Jayden J.,

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

CONFIDENTIAL

M-4253

Docket No. B-44347/15

- - - - -
The New York Foundling Hospital,
Petitioners-Respondents,

Florence J.,
Respondent-Appellant.

- - - - -
Kenneth Walsh, Esq.,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about February 22, 2018,

And respondent-appellant having moved for an order compelling the Clerk of the Family Court, New York County to produce (1) all judges' notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, for Docket No. B44347/15 for the period of October 10, 2015 through February 22, 2018, and (2) all judges' notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, under File No.38673 for docket numbers other than B44347/15, for the same period, if they contain notations as to the proceedings held simultaneously with B44347/15,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Family Court, New York County to produce (1) all judges' notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, for Docket No. B44347/15 for the period of October 10, 2015 through February 22, 2018, and (2) all judges' notes, notations on Form F/99, notations, or any substitute for Form F/99, and file jackets, under File No.38673 for docket numbers other than B44347/15, for the same period.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Cynthia S. Kern
Peter H. Moulton, Justices.

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

CONFIDENTIAL

M-4254

Jamiyla J.,
Petitioner-Appellant,

Docket Nos.
V-21629-12/16A
V-27419-12/16A

-against-

Kenneth D.,
Respondent-Respondent.

Elisa Barnes, Esq.,
Attorney for the Child.

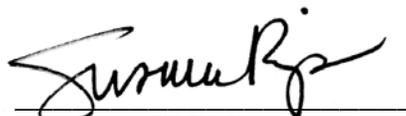
-----X

Petitioner-appellant, in connection with the appeal taken from an order of the Family Court, New York County, entered on or about January 23, 2018, having moved for an order compelling the Clerk of the Family Court, New York County to produce (1) all judge's notes, notations on Form F/99, notations or any substitute for Form F/99, and file jackets, for Docket Nos. V21629-12/16 and V27419-12/16 for the period of November 15, 2016 through January 26, 2018, and (2) all judges' notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, under File Nos. 115, 452 for docket numbers other than V21629-12/16A or V27419-12/16A, for the same period, if they contain notations as to the proceedings held simultaneously with V21629-12/16A or V27419-12/16A,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Family Court, New York County to produce (1) all judge's notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, for Docket Nos. V21629-12/16A, V27419-12/16A for the period of November 15, 2016 through January 26, 2018, and (2) all judges' notes, notations on Form F/99, notations on any substitute for Form F/99, and file jackets, under File Nos. 115, 452 for docket numbers other than V21629-12/16A or V27419-12/16A, for the same period.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

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

-against-

M-4182
Ind. No. 2605N/09

Done Aquavivas Cruz, a/k/a
Cruz D. Aguavivas,

Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 23, 2010, for failure to timely perfect,

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.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

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

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

Respondent,

-against-

M-4313

Ind. No. 2634/16

Omar F. Ogando,

Defendant-Appellant.
-----X

Defendant having moved, pro se, for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 19, 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 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 October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----x
Brenda Torres, as Administratrix for
the Estate of Robert Torres (Deceased),
and Brenda Torres, Individually,
Plaintiffs-Respondents,

-against-

M-4952
Index No. 162256/14

The City of New York, The New York City
Police Department and The New York City
Department of Parks and Recreation,
Defendants-Appellants.

-----x

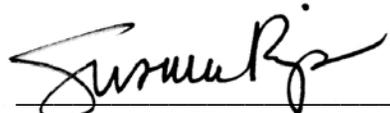
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 5, 2018, and said appeal having been perfected,

And defendant-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted, and the Clerk is directed to maintain the appeal on the December 2018 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

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

-against-

Sergio Arechiga,
Defendant-Appellant.

M-3409
M-3716
Ind. No. 2131/08

-----X

Defendant having moved, pro se, 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 September 11, 2009 (M-3409), for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

And the People having cross-moved for dismissal of said appeal for failure to prosecute (M-3716),

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

It is ordered that defendant's motion (M-3409) is granted to the extent of assigning Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for defendant-appellant, for the purpose of addressing the People's motion to dismiss the appeal (M-3716), and is otherwise denied, and

It is further ordered that the cross-motion (M-3716) is denied, with leave to renew, upon service of the motion papers on defense counsel, assigned pursuant to this order.

ENTERED:


CLERK

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4490
Ind. No. 3589/09

-against-

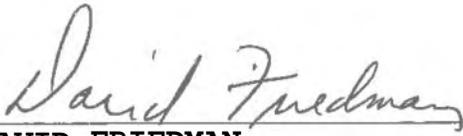
CERTIFICATE
DENYING LEAVE

Melvin Porter,
Defendant.

-----X

I, DAVID FRIEDMAN, 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,
entered on or about August 2, 2017, is hereby denied.

Dated: New York, New York
October 15, 2018



DAVID FRIEDMAN
Justice of the Appellate Division

Entered

OCT 25 2018