

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 August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-3063  
Ind. No. 1308/02

Todd McDowell,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 10, 2010,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-3282  
Ind. No. 2383N/11

Roger Robinson,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about November 20, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated July 9, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-3299  
SCID. No. 30116/13

Mark Carey,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about July 18, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated July 10, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-3301  
Ind. No. 4026/07

Terry Chapman,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 12, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated July 13, 2015, and due deliberation having been had thereon,

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

Rosa G.,  
Petitioner-Appellant,

-against-

M-3074  
Docket Nos. V-29086/13  
V-32469/13  
V-29015/13

Fernando R. and Michelle S.,  
Respondents-Respondents,  
-----

Margaret Ann Tarvin, Esq.  
Lawyers for Children  
Attorney for the Child.  
-----X

An appeal having been taken from order of the Family Court, New York County, rendered on or about July 30, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated June 25, 2015, and due deliberation having been had thereon,

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

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Martin Shapiro, as Administrator of  
the Estate of Natalie Clark, Deceased,  
Plaintiff-Respondent,

-against-

M-2992  
Index No. 107154/09

Miodrag Ristich, M.D., et al.,  
Defendants-Respondents,

-and-

Dewitt Rehabilitation & Nursing Center,  
Defendant-Appellant.  
-----X

An appeal having been taken from order of the Supreme Court, New York County, rendered on or about March 26, 2014 (mot. seq. nos. 005 & 006),

Now, upon reading and filing the stipulation of the parties hereto, dated February 25, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
TAP Holdings, LLC, et al.,  
Plaintiffs-Respondents,

-and-

IPC Manager II, LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-3506  
Index No. 600691/10

ORIX Finance Corp., et al.,  
Defendants-Appellants,

-and-

TAP Automotive Holding, LLC,  
Defendant-Respondent-Appellant.  
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2014 (mot. seq. no. 020),

Now, upon reading and filing the stipulation of the parties hereto, dated July 6, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the March 2015 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Corinthian Builders Corp.,  
Plaintiff-Appellant,

-against-

M-3521  
Index No. 108791/04

New York City Housing Authority,  
Defendant-Respondent.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 29, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated June 3, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 2015 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Fatima Diallo,

Plaintiff-Respondent,

-against-

M-3505

Index No. 21898/12E

Clodomiro Fernandez,  
Defendant-Appellant,

-and-

Pedro A. Sanchez, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, rendered on or about August 7, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated June 3, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2015 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Elyass Eshaghian,  
Plaintiffs-Respondents,

-against-

M-2197  
Index No. 652577/12

Asher Roshanzamir,  
Defendant-Appellant.

-----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 April 9 2015 (Appeal No. 14768),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

Brian Deale,  
Defendant-Appellant.

M-3489  
Ind. Nos. 4791/13  
2338/14

-----X

An order of this Court having been entered on February 26 (M-331) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 13, 2014, and assigning Seymour W. James, Jr., 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 assigned counsel Seymour W. James, Jr., Esq., as 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 filing of the record, whichever is later.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X

Nicolas Guaman,  
Plaintiff-Respondent,

Paula Mayancela,  
Plaintiff,

-against-

1963 Ryer Realty Corp., et al.,  
Defendants-Respondents-Appellants.

- - - - -

1963 Ryer Realty Corp.,  
Third-Party  
Plaintiff-Respondent-Appellant,

M-2396  
Index Nos. 307124/10  
84185/11  
84186/10  
83886/11

-against-

AP Tek Construction Inc., et al.,  
Third-Party  
Defendants-Appellants-Respondents.

- - - - -

AP Tek Construction Inc., et al.,  
Second Third-Party  
Plaintiffs-Appellants-Respondents,

-against-

Mushtaq Ahmad, et al.,  
Second Third-Party Defendants,

A Saad Contracting, Inc.,  
Second Third-Party  
Defendant-Respondent-Appellant.

- - - - -

A Saad Contracting, Inc.,  
Third Third-Party  
Plaintiff-Respondent-Appellant,

-against-

AP Tek Construction Inc., et al.,  
Third Third-Party  
Defendants-Appellants-Respondents.

-----X

Third-party defendants/second third-party plaintiff/appellants-respondents AP Tek Restoration, Inc. and AP Tek Construction Inc. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 9, 2015 (Appeal No. 14778),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
David B. Saxe  
Paul G. Feinman, Justices.

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

-against-

M-2034  
Ind. No. 3962N/09

Benjamin Lizardi,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 10, 2011,

And an order of this Court having been entered on January 31, 2012 (M-5787) assigning Richard M. Greenberg, Esq., as counsel for defendant-appellant for purposes of prosecuting the aforesaid appeal,

Assigned counsel, Richard M. Greenberg, Esq. having moved to dismiss the aforesaid appeal, or to be relieved as appellate counsel,

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, the motion is otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

D&R Global Selections, S.L.,  
Plaintiff-Respondent,

-against-

M-2819  
Index No. 603732/07

Bodega Olegario Falcon Pineiro,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 14, 2015 (Appeal No. 15087),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz  
Darcel D. Clark, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2512  
Ind. Nos. 3993/12  
4073/12

Erik Wallace, also known as  
Erick Wallace,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 7, 2015 (M-6193) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 26, 2014, and assigning Robert S. Dean, 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 assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, 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 filing of the record, whichever is later.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-2505  
Ind. No. 2621/13

Clarence Rouse,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 23, 2015, 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 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 8 reproduced copies of such brief, together with the original record, with this Court.

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 120 days from the date of filing of the record.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Commitment of  
the Guardianship and Custody of

Grace Elvania P.,

A Dependant Child Under the Age of 18 Years  
Pursuant to Section 394-b of the Social  
Services Law of the State of New York.

M-2566  
Docket No. B-31090/13

-----  
The Children's Aid Society,  
Petitioner-Respondent,

Judyth P.,  
Respondent-Appellant.

-----  
Laura Beth Daly, Esq.,  
Attorney for the Child.

-----X  
Petitioner having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about April 9, 2014, as untimely taken,

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.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
David B. Saxe  
Paul G. Feinman, Justices.

-----X  
New Hampshire Insurance Company,  
Plaintiff-Appellant-Respondent,

-against-

M-1814  
Index No. 653547/11

Clearwater Insurance Company,  
Defendant-Respondent-Appellant.  
-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on March 24, 2015 (Appeal No. 12779),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Pedro Antonio Rivera,  
Plaintiff-Appellant,

-against-

M-2355  
Index No. 7079/05

Earlybird Delivery Systems, LLC,  
doing business as Urban Express,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2015 (Appeal No. 14829), 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.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias, Justices.

-----X  
Robert Burton,  
Plaintiff-Appellant,

-against-

M-2638  
Index No. 100281/13

325 West 45<sup>th</sup> Street Owners Corp., et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 6, 2015 (mot. seq. no. 003), or in the alternative, direct plaintiff-appellant to perfect the appeal for the October 2015 Term,

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 dismissing the appeal unless it is perfected on or before October 5, 2015 for the December 2015 Term.

ENTER:

  
\_\_\_\_\_  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-2862  
Ind. No. 907/13

Marco Ramos,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 7, 2015, 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 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 8 reproduced copies of such brief, together with the original record, with this Court.

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 120 days from the date of filing of the record.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3088  
Ind. No. 4833/13

Angel Crispin,  
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 1, 2014, 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 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 8 reproduced copies of such brief, together with the original record, with this Court.

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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3295  
Ind. No. 4318/12

Anthony Jenkins,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2015, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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.

Seymour W. James, Jr., 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 120 days from the date of filing of the record.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3304  
Ind. No. 4621/12

Lindell Cox,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 9, 2015, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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.

Seymour W. James, Jr., 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 120 days from the date of filing of the record.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-2949  
Ind. No. 2377N/12

Elvis Marte,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the amended judgment of the Supreme Court, New York County, rendered on or about April 16, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 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 120 days from the date of filing of the record.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

Appellant,

-against-

M-2993  
Ind. No. 5154/13

Don Wilkinson,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about April 8, 2015, for assignment of counsel,

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) 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 the People and 8 copies thereof are filed with this Court, and (2) assigning, 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 counsel for purposes of responding to the appeal.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3311  
Ind. No. 418/12

Steven W. Hutter,  
Defendant-Appellant.

-----X

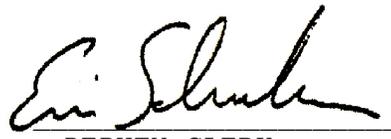
An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2013, and said appeal having been perfected and presently calendared for the November 2015 Term,

And defendant-appellant, pro se, having moved for leave to enlarge the record on appeal to include certain grand jury minutes,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against-

Andre Rosa,

Defendant-Appellant.

M-2864  
Ind. Nos. 3290/14  
5625/13  
5476/13

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 17, 2015, 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), setting forth the terms of defendant's retainer agreement with trial counsel, John M. Cromwell, 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. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York  
ex rel. Hector Lebron,

Petitioner,

M-2491

Ind. No. 629/13

-against-

Warden, Charlton Lemon, etc.,

Respondent.

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, and related relief,

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

Ordered that the motion be granted to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and it is further

Ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at 15-15 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York  
ex rel. Sanders L. Adams,

Petitioner,

M-3051

Ind. No. 3327/14

-against-

Joseph Ponte, etc., et al.,

Respondent.

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, 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 application for the writ is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007, for the issuance of said writ and service by mail upon the respective parties. The motion is otherwise denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Elvis Sanchez,

Petitioner,

M-3058

Ind. No. 3524/14

-against-

Warden Tony Durante, NYCDC,

Respondent.  
-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, for poor person relief, and related relief,

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

Ordered that the application is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007, for the issuance of said writ and service by mail upon the respective parties. The motion to the extent it seeks poor person relief is denied, without prejudice to further proceedings before the Supreme Court.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

Respondent,

-against-

M-2845  
Ind. No. 4230/13

Justin Cook,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 25, 2015, 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), setting forth the terms of defendant's retainer agreement with trial counsel, Bruce Roistacher, 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. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-3257  
Ind. No. 3665/11

Alexander Santiago,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about May 5, 2014,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal and, for the continuation of a stay of execution of sentence granted by an order of a Justice of this Court dated April 16, 2014, pending hearing and determination of the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term and continuing the stay granted by the order of a Justice of this Court dated April 16, 2014, pending hearing and determination of the appeal.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Citimortgage, Inc.,  
Plaintiff,

-against-

George Dulgeroff, et al.,  
Defendants-Appellants.

M-3050  
Index No. 382451/09

-----X

Third-party-appellant West Fork Capital Equities having moved for an enlargement of time to perfect the appeal from an order the Supreme Court, Bronx County, entered on or about August 13, 2014,

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 on or before October 5, 2015 for the December 2015 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Gabriel Paulino, an Infant by his  
Mother and Natural Guardian,  
Andrea Paulino, and Andrea Paulino,  
Individually,  
Plaintiffs-Respondents,

-against-

M-3154  
Index No. 103521/06

The City of New York,  
Defendant-Appellant,

Landscape Structures, Inc.,  
Defendant-Respondent.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 12, 2014 (mot. seq. no. 007),

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 December 2015 Term, with no further enlargements to be granted.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
New York State Association for Affordable  
Housing, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

Council of the City of New York,  
Defendant-Respondent,

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

M-3175  
M-3215  
Index No. 158093/13

-----X  
Plaintiffs-appellants-respondents having moved for an enlargement of time to perfect their appeal from the order of the Supreme Court, New York County, entered on or about September 29, 2014 (M-3175),

And defendants-respondents-appellants having cross-moved for an enlargement of time to perfect their appeal (M-3215),

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 and cross motion are granted to the extent of enlarging the time to perfect the respective appeals to on or before October 5, 2015 for the December 2015 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

In the Matter of

Rolando L.,

A Person Alleged to be a Juvenile  
Delinquent,

M-3267  
Docket No. E-17333/13

Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 9, 2014,

And appellant having moved for an order enlarging the 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 the aforesaid appeal is enlarged to the January 2016 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Samuel Mininni,  
Plaintiff-Respondent,

-against-

M-3292  
Index No. 260584/13

Department of Housing Preservation  
and Development,  
Defendant-Appellant,

-and-

Hutchinson Parkway Apartment, Inc.,  
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 13, 2014,

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 December 2015 Term.

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 August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Suyapa Quinn,  
Plaintiff-Respondent,

-against-

M-3226  
Index No. 16587/06

The New York City Transit Authority  
and The Manhattan and Bronx Surface  
Transit Operating Authority,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about March 26, 2014,

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 2016 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Shateema S. Farris, as Executor of  
the Estate of Francis Hilton, Deceased,  
Plaintiff-Appellant,

-against-

M-3253  
Index No. 302742/07

Heidi Dupret,  
Defendant-Respondent,

Bronx-Lebanon Hospital Center, et  
al.,  
Defendants.

-----X  
(And a third-party action)  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 8, 2014,

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 2016 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of

Livan F.,

M-3269  
Docket No. D-17416/13

A Person Alleged to be  
A Juvenile Delinquent,  
Appellant.

-----X

Appellant, in connection with the appeal from an order of the Family Court, Bronx County, entered on or about August 6, 2014, having moved for an enlargement 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 to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



\_\_\_\_\_  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Lucy Collazo,  
Plaintiff-Appellant,

-against-

M-3320  
Index No. 16257/00

New York City Transit Authority,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about August 15, 2014,

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 2016 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Nancy Salomon-Cox and Wayne Baumann,  
Plaintiffs-Appellants.

-against-

M-3342

Index No. 24195/14

Expert Builders 26 Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 20, 2015,

And plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Acadia Realty Limited Partnership,  
Plaintiff-Respondent,

-against-

M-3367  
Index No. 652054/13

Tibor Klein,  
Defendant-Appellant,

-and-

Gershon Klein,  
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 17, 2014,

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 2016 Term.

ENTER:

  
\_\_\_\_\_  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

Lisette Arzeno,  
Plaintiff-Respondent-Appellant,

-against-

M-2931  
Index No. 300613/10

The City of New York,  
Defendant-Respondent,

Anvernic LLC, et al.,  
Defendants-Appellants-Respondents.

-----X

Plaintiff-respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2015 (Appeal No. 15139),

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Judith J. Gische, Justices.

-----X

250 West 78 LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-3071  
Index No. 654112/13

Pildes of 83<sup>rd</sup> Street, Inc.,  
Defendant-Respondent-Appellant,

Dan Pildes,  
Defendant-Respondent.

-----X

Defendant-respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 2, 2015 (Appeal No. 15133-15134),

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische, Justices.

-----X  
Certain Underwriters at Lloyd's London  
Subscribing to Policy No. QK0903325,  
Plaintiff-Appellant,

-against-

M-2560  
Index No. 650339/11

Huron Consulting Group, Inc., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 30, 2015 (Appeal No. 14798-14799),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Nicholas Kim,  
Plaintiff-Respondent

-against-

M-2334  
Index No. 570273/14

Capital Markets Placement, LLC,  
Defendant-Appellant.  
-----X

Defendant-appellant moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 16, 2014,

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Dr. Steven Rosenfeld,  
Plaintiff-Respondent,

-against-

M-3287  
Index No. 650360/14

Joel Schreiber, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 9, 2015,

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 seeking said relief in the Supreme Court.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Vandale Limited Partnership,  
Plaintiff-Respondent,

-against-

M-2884  
Index No. 16108/07

Liberty Chevrolet, Inc., doing  
business as Bronx Honda, doing  
business as Bronx Mazda,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 11, 2015,

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application of  
Maria Verdugo and Maria Rocio Auqui  
for the Appointment of a Guardian for

Jose V.,

An Alleged Incapacitated Person,

-and-

M-3235  
Index No. 500137/09

Maria Rocio Auqui, Property Guardian  
of Jose V.,  
Petitioner-Appellant,

-against-

Peachtree Funding Northeast, LLC,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 31, 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 granted to the extent of enlarging the time to perfect the appeal to October 5, 2015 for the December 2015 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
Yolanda Sanchez Henri,  
Plaintiff-Respondent,

-against-

**M-3530**  
Index No. 23315/12E

New York City Health and Hospitals Corporation, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 17, 2014,

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 December 2015 Term.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-3467  
Ind. No. 446/11

Amaury Jiminez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a 30 day extension to file an application for permission to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 22, 2013, 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. Defendant is granted 30 days from the date of entry of this order to file for permission to submit a pro se supplemental brief, if so advised.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----x  
Lew Nussberg, also known as Lev Nussberg,  
Plaintiff-Appellant,

-against-

M-3557  
Index No. 650741/09

Gary Tatintsian, et al.,  
Defendants-Respondents.

-----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 June 23, 2014, and from judgments of the same Court and Justice, entered on or about November 12, 2014, and July 22, 2015, respectively, and plaintiff's appeal from the June 23 2014 order having been perfected,

And defendants-respondents having moved for consolidation of the aforesaid appeal and cross 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 adjourning the perfected appeal from the June 23, 2014 order to the December 2015 Term. Defendants are directed to perfect their cross appeals from the November 12, 2014 and June 22, 2015 judgments for said December 2015 Term. Clerk directed to place appeal and cross appeals for hearing on the same day of said Term, if so perfected.

ENTER:



DEPUTY 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-1477  
Ind. No. 3247/03

-against-

CERTIFICATE  
DENYING LEAVE

Charles Wynn,  
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 December 15, 2014, is hereby denied.

Dated: New York, New York  
July 17, 2015

Entered: August 25, 2015

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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-4449  
Ind. No. 3723/82

-against-

CERTIFICATE  
DENYING LEAVE

Wilfredo Gonzalez,  
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, Bronx County, entered on or about June 4, 2014, is hereby denied.

Dated: New York, New York  
July 17, 2015

Entered: August 25, 2015

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-1840  
Ind. No. 3980/13

-against-

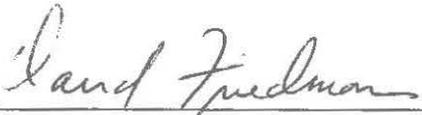
CERTIFICATE  
GRANTING LEAVE

Haywood Hinton,  
Defendant-Appellant.  
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about March 30, 2015.<sup>1</sup>

Dated: New York, New York  
August 13, 2015

Entered: August 25, 2015

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

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

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

Respondent,

M-2316  
Ind. Nos. 2544N/13  
1363N/13

-against-

CERTIFICATE  
DENYING LEAVE

Franklin Garcia,

Defendant.

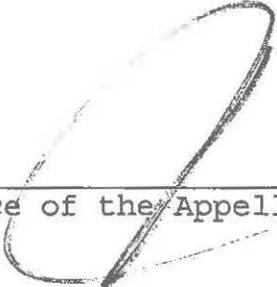
-----X

I, Richard T. Andrias, 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, defendant has not demonstrated that there is a question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Orders of the Supreme Court, Bronx County (Robert Stolz J.), entered on or about April 23, 2015 and April 29, 2015 respectively, which denied defendant's motion pursuant to CPL 440.10, is hereby denied, without prejudice to renew, if so advised, within 90 days

of the date hereof, upon defendant's submission of an affidavit setting forth the merits of the application.

Dated: New York, New York  
June 30, 2015

Entered: August 25, 2015

  
\_\_\_\_\_  
Justice of the Appellate Division

✓

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-2969  
Ind. No. 3064/14

-against-

CERTIFICATE  
DENYING LEAVE

William D. Graham,  
Defendant.

-----X

I, Judith J. Gische, 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, sections 450.15 and 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 dated March 31, 2015 of the Supreme Court, New York County (Melissa Jackson, J.), is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: July 27, 2015  
New York, New York

ENTERED: August 25, 2015

P.M. ORDERS  
FOR  
AUGUST 25, 2015

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 August 25, 2015.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Yousef Yahudaii,  
Plaintiff-Appellant-Respondent,

-against-

M-2751A  
Index No. 103449/08

Nourallah Baroukhian, et al.,  
Defendant-Respondent-Appellant.  
-----X

Defendant-respondent-appellant having moved for an enlargement of time to perfect the cross appeal from an order of the Supreme Court, New York County, entered on or about April 5, 2012, and said appeal having been perfected, for leave to file an additional supplemental appendix and for leave to file an amended brief,

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

It is ordered, sua sponte, that the direct appeal, having been perfected for the October 2015 Term, is adjourned to the December 2015 Term. It is further ordered that the motion is granted to the extent of enlarging defendants' time to perfect the cross appeal to the December 2015 Term; and leave to file a supplemental appendix, limited to the minutes of the reconstruction hearing, and a supplemental brief, limited to matters raised in the minutes, is also granted. Plaintiff is granted leave to file a response brief thereto. The order of this Court entered on July 28, 2015 (M-2751), is hereby recalled and vacated.

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 August 25, 2015.

Present: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
James L. Melcher,  
Plaintiff-Respondent,

-against-

**M-3241**

**M-3471**

Index No. 650188/07

Greenberg Traurig LLP and Leslie D.  
Corwin,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 19, 2015,

And defendants-appellants having moved for an order of this Court taking judicial notice of briefs submitted to this Court in *Zimmerman v Kohn*, 125 AD3d 413 [1<sup>st</sup> Dept 2015] (M-3241),

And plaintiff-respondent having cross-moved for an order of this Court to take judicial notice of certain additional documents detailed in the moving papers, and to file said documents with this Court in the form of a supplemental record on appeal (M-3471),

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 and cross motion are granted. Defendants-appellants are directed to make available to this Court 9 copies of the briefs in *Zimmerman v Kohn*, 125 AD3d 413 [1<sup>st</sup> Dept 2015] within one week of the date of entry hereof. Plaintiff-respondent is directed to serve and file with this Court 9 copies of a supplemental record on appeal containing the additional documents detailed in the cross motion within one week of the date of entry hereof.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Niurka Andino,  
Plaintiff-Respondent,

-against-

M-3307  
Index No. 26798/04

Ronald Mills and New York City Transit Authority,  
Defendants-Appellants.

- - - - -

[And a third-party action]

-----X

An appeal having been taken to this Court by the above-named defendants/third-party plaintiffs-appellants from judgments of the Supreme Court, Bronx County, entered on or about June 27, 2013 and June 20, 2014, respectively,

And non-party movants the City of New York having moved for leave to file a brief amicus curiae in connection with 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 amicus curiae submitted with the moving papers is deemed filed. Movants are directed to file 9 additional copies of said brief forthwith.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X

Niurka Andino,  
Plaintiff-Respondent,

-against-

M-3574  
Index No. 26798/04

Ronald Mills and The New York City  
Transit Authority,  
Defendants-Appellants.

- - - - -

[And a third-party action]

-----X

An appeal having been taken to this Court by the above-named defendants/third-party plaintiffs-appellants from the judgment of the Supreme Court, Bronx County, entered on or about June 10, 2014, and said appeal having been perfected,

And the New York State Trial Lawyers' Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae brief submitted with the moving papers as filed. Movants are directed to file 9 additional copies of said brief as amicus curiae within 7 days of the date of this order.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2015.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Darcel D. Clark, Justices.

-----X  
James L. Melcher,

Plaintiff-Respondent,

-against-

M-3804

M-3651

Index No. 650188/07

Greenberg Traurig LLP and Leslie D.  
Corwin,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 19, 2015, and said appeal having been perfected,

And defendants-appellants having moved to stay all proceedings pending hearing and determination of the aforesaid appeal (M-3804),

And plaintiff-respondent having moved to file his respondent's brief under seal (M-3651),

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

Ordered that the motion to stay all proceedings pending hearing and determination of the appeal is granted (M-3804). Plaintiff's motion to file his respondent's brief under seal is denied as moot (M-3651).

ENTER:



DEPUTY CLERK