

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 December 8, 2015.

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

-----X  
In the Matter of

Donnell W.,

A Person Alleged to be a Juvenile  
Delinquent,

M-5140  
Docket No. D-44818/15

Appellant.  
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about October 13, 2015,

And appellant having moved for a stay of the order pending hearing and determination of the aforesaid appeal, and for other relief,

Now, upon reading and filing the stipulation of the parties hereto, dated October 26, 2015, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation.

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 December 8, 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-

M-5671  
Index No. 2847/14

Felix Rosario,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 9, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated November 2, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 December 8, 2015.

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

-----X  
Connor Bush,  
Plaintiff-Respondent,

-against-

M-3509  
Index No. 100750/12

CNY Builders LLC and Granite Broadway  
Development LLC,  
Defendants-Appellants-Respondents.

-----X

CNY Builders LLC and Granite Broadway  
Development LLC,  
Third-Party Plaintiffs-Appellants-  
Respondents,

-against-

Index No. 590912/12

Navillus Tile, Inc., doing business as  
Navillus Contracting,  
Third-Party Defendant-Respondent-  
Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 11, 2014 (mot. seq. no. 005),

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

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

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 December 8, 2015.

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

-----X  
Joseph A. Castelluccio, Jr.,  
Plaintiff-Respondent-Appellant,

-against-

M-4144  
Index No. 652964/14

J.V.B. Financial Group, LLC,  
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 3, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated August 24, 2015, and due deliberation having been had thereon,

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

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 December 8, 2015.

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

-----X  
Frank Locastro,  
Plaintiff,

-against-

M-4667  
Index No. 100601/10

N.E.C.F., Inc., doing business as  
Mr. Dennehy's,  
Defendant.

-----X  
N.E.C.F., Inc., doing business as  
Mr. Dennehy's,  
Third-Party Plaintiff-Respondent,

-against-

MCC Construction and Development Corp.,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 21, 2015, and due deliberation having been had thereon,

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

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 December 8, 2015.

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

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

-against-

M-5561  
Ind. No. 2069/12

Fahim M. Abdul-Aziz,  
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 October 5, 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, 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:

  
\_\_\_\_\_  
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 December 8, 2015.

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

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

-against-

M-5563  
Ind. No. 1833/14

Shakira Bonet,  
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 May 19, 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, 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:

  
\_\_\_\_\_  
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 December 8, 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-

M-5564  
Ind. No. 804/14

Kurt Francisco,  
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 March 11, 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:



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 December 8, 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-

M-5565  
Ind. No. 427/14

Kenneth Henderson,  
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 June 24, 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:



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 December 8, 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-

M-5567  
Ind. No. 3659/14

Shavar Hickman,  
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 8, 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:



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 December 8, 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-

M-5568  
Ind. No. 65/13  
Case No. 70200C/12

Jamel Hunter,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 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:

  
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 December 8, 2015.

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

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

-against-

M-5569  
Ind. No. 394/14

Michael Virdree, also known as  
Michael Virdee,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 20, 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.

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:



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 December 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
P&S 95th Street Associates, LLC  
Plaintiff-Respondent,

-against-

M-4676  
Index No. 154511/13

Nilde Realty Corp., et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 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, without prejudice to addressing the issue in question in briefs.

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 December 8, 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-

Daniel J. Everett,

M-5200  
DC #24  
Ind. No. 4005/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 8, 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-

Christopher Rodriguez,

M-5253  
DC #69  
Ind. No. 2504/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 27, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 8, 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-

Gabriel Thompson, also known as Gabby,  
Defendant-Appellant.

M-5262  
DC #76  
Ind. No. 3400/10  
Case No. 55961C/10

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about September 27, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 8, 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-

Jason Torres,

M-5264  
DC #77  
Case No. 39971C/10

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 8, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 22, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the April 2016 Term and counsel is directed to so perfect.

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 December 8, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

Amaury Alfonso N.,  
Petitioner-Appellant,

M-4679  
Docket No. V-12925-09/14K

-against-

Zaida Iris R.,  
Respondent-Respondent.

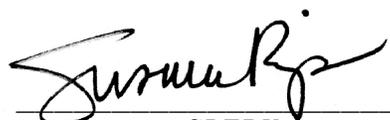
Tennille M. Tatum-Evans, Esq.,  
Attorney for the Child.

-----X  
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 9, 2014, 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 Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. 347-645-6660, 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 petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the March 2016 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 December 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Stewart Title Insurance Company,  
suing in its own right and as subrogee  
and assignee of Herold Duroseau,  
Delta Funding Corporation and  
HSBC Bank USA, N.A., as Trustee  
for the Registered Holders of  
Renaissance Equity Asset-Backed  
Certificates, Series 2007-3,  
Plaintiff-Appellant,

M-5257  
Index No. 154681/14

-against-

Wingate, Kearney & Cullen, also known  
as Kearney & Cullen, et al.,  
Defendants-Respondents.

-----X  
Plaintiff-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 January 20, 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 granted to the extent of enlarging the time to perfect the appeal to the May 2016 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 December 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Angel Crespo,  
Plaintiff-Appellant,

-against-

M-5073  
Index No. 21281/13E

Thomas Franchini, D.P.M., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 29, 2014,

And plaintiff-appellant having moved to withdraw said appeal, without opposition from defendants-respondents,

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

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

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 December 8, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Henry Haynes,  
Plaintiff-Respondent-Appellant,

-against-

M-5067  
Index No. 18196/06

Detective Anthony Casilla,  
Defendant-Appellant,

-and-

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

-----X

Appeals and a cross appeal having been taken from an order and a judgment of the Supreme Court, Bronx County, entered on or about January 16, 2015,

And defendant-appellant having moved for an enlargement of time to perfect his appeal from the aforesaid order of the Supreme Court, Bronx County, entered on or about January 16, 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 granted to the extent of enlarging the time to perfect the appeals and cross appeal to the April 2016 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 December 8, 2015.

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

-----X  
Sung Hwan Co., Ltd.  
Plaintiff-Appellant,

-against-

Rite Aid Corporation,  
Defendant-Respondent.

M-5372  
Index No. 112444/01

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about March 2, 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 granted to the extent of enlarging the time to perfect the appeal to the May 2016 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 December 8, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
Zoltek LLC and Christopher Rolf,  
Plaintiffs,

-against-

349 Greenwich Street Condo Association,  
et al.,  
Defendants.

M-3987  
Index No. 156843/15

-----X

Plaintiffs having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about August 2, 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:

  
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 December 8, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

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

-against-  
Thomas Parrish,  
Defendant-Appellant.

M-4199  
Ind. Nos. 655/14  
3970/14

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 7, 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 granted to the extent of deeming the notice of appeal timely filed.

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 December 8, 2015.

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

-----X  
In Re: Agah Durudogan,  
Petitioner-Respondent,

-against-

M-4507  
Index No. 100065/13

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

Respondents-appellants having moved for reargument and/or leave to appeal to the Court of Appeals of the decision and order of this Court entered on March 12, 2015 (Appeal No. 14511),

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 decision and order of this Court entered on March 12, 2015 (Appeal No. 14511) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 14511 decided simultaneously herewith.) The motion is otherwise 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 December 8, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
Melissa Sanchez and Michael  
McPhearson,  
Plaintiffs-Appellants,

-against-

The New York and Presbyterian  
Hospital, et al.,  
Defendants-Respondents.

M-5099  
M-5340  
Index No. 108715/07

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about December 12, 2014 (M-5099),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-5340),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2016 Term (M-5099). The cross motion is granted to the extent of dismissing the appeal unless perfected for said March 2016 Term (M-5340).

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 December 8, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
Mark C. Denison, As Executor and  
Beneficiary of the Estate of Erika  
Pozsonyi,  
Plaintiff-Appellant,

-against-

Anthony Pozsonyi, et al.,  
Defendants-Respondents.

M-4905  
Index No. 156362/12

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about January 2, 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 granted to the extent of enlarging the time to perfect the appeal to the March 2016 Term, with no further enlargements to be granted.

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 December 8, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of  
Cassandra Woods,  
Petitioner,

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

M-5288  
Index No. 101246/14

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 1, 2015, to review a determination of respondent,

And petitioner-appellant having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, for a stay of eviction, and for related relief,

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

It is ordered that the motion is 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 December 8, 2015.

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

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

-against-

M-3911  
Ind. No. 6053N/11

Alba Lowry,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 26, 2013 (M-133) 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 May 3, 2012, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or in the alternative, to dismiss the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel, Richard M. Greenberg, 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. The motion is otherwise 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 December 8, 2015.

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

-----X  
Natalie Solomon,  
Plaintiff-Appellant,

-against-

M-3994  
Index No. 107941/10

Action Arts League,  
Defendant-Respondent,

The City of New York, et al.,  
Defendants.

-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the order of the Supreme Court, New York County, entered on or about October 30, 2014 (mot. seq. no. 004) and the judgment of said Court entered on or about August 7, 2015, 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 deeming the appeal from the order entered October 30, 2014 (mot. seq. no. 004), subsumed into the appeal from the judgment entered on or about August 7, 2015 (CPLR 5501(a)). The motion is otherwise denied as academic, with leave to renew, if necessary.

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 December 8, 2015.

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

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

-against-

M-4001  
Ind. No. 4823/12

Rosemond Bottex, also known as Mr. 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 31, 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 ten 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:

  
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 December 8, 2015.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4009

Ind. No. 163/13

Kadeem Davis,

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 September 11, 2014 and the judgments of resentence of said Court, rendered on or about October 28, 2014 and November 7, 2014, respectively, 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, Patrick Watts, 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:

  
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 December 8, 2015.

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

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

Respondent,

-against-

Robert Dragoti,

M-4010  
Ind. Nos. 2658/12  
5439/12

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 May 15, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds used to pay the fee of trial counsel, Peter M. Frankel, Esq., to post the \$10,000 bail in the Supreme Court, the disposition thereof, 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:

  
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 December 8, 2015.

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

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

Respondent,

-against-

M-4185  
Ind. No. 5170/11

Stan Xuhui Li,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 19, 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 March 2016 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 December 8, 2015.

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

-----X  
Michelle Lynn McGuirk,  
Petitioner-Appellant,

-against-

M-4186  
Index No. 100809/14

N.Y.S. Division of Human Rights, et al.,  
Respondents-Respondents,

Swiss Re Financial Services, Corp.,  
et al.,  
Defendants-Respondents.

-----X

Petitioner's motion being deemed one pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 30, 2014, 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 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 December 8, 2015.

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

-----X  
Juan Ramon Almonte, Olga Almonte,  
Katherine Almonte and Oscar Almonte,  
Plaintiffs-Appellants,

-against-

M-4187  
Index No. 112220/11

Castlepoint Insurance Company,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 24, 2014 (mot. seq. no. 002), and to enlarge the record on appeal to include certain Memoranda of Law,

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 March 2016 Term. The motion to the extent it seeks to enlarge the record on appeal is granted to include the parties' Memoranda of Law attached to the moving papers as Exhibits 4, 5, and 6.

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 December 8, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
KJ,  
Petitioner-Appellant,

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

**SEALED**  
M-5464  
Index No. 401622/13

-against-

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

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 13, 2015, to review a determination of respondent,

And petitioner-appellant having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, for an enlargement of time to perfect the transferred matter, 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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect the matter is enlarged to the April 2016 Term. Sua sponte petitioner is permitted to proceed anonymously and under seal.

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 December 8, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X  
Verizon New York, Inc.,  
Plaintiff-Appellant,

-against-

The City of New York,  
Defendant-Respondent.

M-5524  
Index No. 111365/04

-----X

Plaintiff-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 January 16, 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 granted to the extent of enlarging the time to perfect the appeal to the April 2016 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 December 8, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

Dawn Bortman,  
Petitioner-Respondent,

Pursuant to Article 75 of the CPLR  
for Confirmation of FINRA Dispute  
Resolution Arbitration Award and Entry  
of Judgment Against:

M-5440  
Index No. 652924/13

Henry Lucander,  
Respondent-Appellant.

-----X  
Respondent-appellant, pro se, 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 June 4, 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 April 2016 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 December 8, 2015.

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

-----x  
In the Matter of

Amina A. V.,

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

-----  
Commissioner of Children's Services of the City of New York,  
Petitioner-Appellant,

M-4070  
Docket No. NN-115771/14

Dina A. and Edwin V.,  
Respondents-Respondents.

-----  
Seymour W. James, Jr., Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child.

-----x

And appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about July 15, 2015,

And petitioner-appellant having moved for a stay of enforcement of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 December 8, 2015.

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

-----x

Domingos Mouta and Maria Jose Mouta,  
Plaintiffs-Appellants,

M-3631  
M-4045

-against-

Index No. 307749/08

Essex Market Development LLC, JF  
Contracting Corp. And MSS Construction  
Corp.

Defendants-Respondents.

- - - - -

Essex Market Development, LLC,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 82824/09

Marangos Construction Corp.,  
Third-Party Defendant-Respondent.

- - - - -

[And another action]

-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, entered on or about October 20, 2014,

And a purported appeal having been taken to this Court from and amended judgment of said Court entered on or about July 8, 2015,

And plaintiffs-appellants having moved for leave to withdraw the appeal from the judgment entered on or about October 20, 2014 (M-3631),

And defendants Essex Market Development, LLC having cross-moved for a stay of enforcement of the amended judgment entered on or about July 8, 2015 (M-4045),

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 (M-3631) is granted, and the appeal from the judgment entered on or about October 20, 2014 is deemed withdrawn. The cross motion (M-4045) 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 December 8, 2015.

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

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

-against-

M-4127  
Ind. No. 2599/14

Stalin Y. Alcantra,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered 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 deeming the notice of appeal timely filed.

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 December 8, 2015.

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

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

-against-

M-4130  
Ind. No. 5639/13

Emmitt Hunter, also known as  
Emmett Hunter,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2015,

And for leave to prosecute the appeals from the judgments of the Supreme Court, New York County, rendered on or about June 2, 2015 and March 18, 2015, respectively, 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 from the judgment of the Supreme Court, New York County entered on or about June 2, 2015; and permitting the appeals 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.

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 the appeals is hereby enlarged until 120 days from the date of filing of the 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 December 8, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Rajagopala S. Raghavendra, also known as  
Randy S. Raghavendra, etc.,  
Plaintiff-Appellant,

-against-

M-5540  
Index No. 103331/12

Edward A. Brill, Individually and as  
Attorney/Partner at Proskauer Rose, LLP,  
etc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument and reconsideration of or, in the alternative, leave to appeal to the Court of Appeals from the order of this Court entered on October 1, 2015 (M-3962), and for a stay of the aforesaid order pending hearing and determination of the appeal,

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

It is ordered that the motion is denied and the appeal is to be maintained on this Court's calendar for December 10, 2015.

ENTER:

  
CLERK