

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 June 9, 2015.

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

-----X
Colleen Spaguolo,
Plaintiff-Respondent,

-against-

M-2301
Index No. 101146/12

Ana L. Almonte and Anais Almonte,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 8, 2014 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated April 14, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2015 Term, is withdrawn in accordance with the aforesaid stipulation.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 June 9, 2015.

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

-----X
Del Salvio Masonry Corp.,
Plaintiff-Appellant,

-against-

M-2108
Index No. 308774/10

American Empire Surplus Lines
Insurance Company,
Defendant-Respondent,

-and-

American Guarantee & Liability
Insurance Company and A.B.A.
American Brokerage Associates,
Defendants.

-----X
(And other actions)
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about October 30, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 1, 2015, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the November 2014 Term, are withdrawn in accordance with the aforesaid stipulation.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 June 9, 2015.

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

-----X
Eileen Ambrose and John Ambrose,
Plaintiffs-Respondents,

-against-

M-2377
Index No. 150765/13

Hughes Bar and Restaurant,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated May 8, 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:


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 June 9, 2015.

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

-----X
137 Duane Condo, LLC and Duane Thomas,
LLC,

Plaintiffs-Respondents,

-against-

Amy Wallin,

M-1871
DC #1
Index No. 113029/02

Defendant-Appellant.
-----X

And an appeal having been taken by defendant from the order of the Supreme Court, New York County, entered on or about July 1, 2009 (mot. seq. no. 014),

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 2015.

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

-----X
Earl Forsythe,

Plaintiff-Appellant,

-against-

SEIU, Local 32B-J, Amalgamated
Warbasse Houses, Inc.,
Respondents-Respondents.

M-1924
DC #10
Index No. 400378/13

-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about August 9, 2013,

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 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 the Application of
Delene Lewis,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1931
DC #16
Index No. 400415/07

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about September 27, 2007 (mot. seq. no. 001),

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 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 the Application of
Mohammad Miah,
Petitioner-Appellant

For a Judgment Pursuant to Article 78
of the CPLR,

M-1933
DC #18
Index No. 402540/12

-against-

The City of New York,
Respondent-Respondent.

-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about May 31, 2013,

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 2015.

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

-----X
Morgenthau & Lathan, New York
International Insurance Group, et al.,
Petitioners-Appellants,

-against-

Bank of Cyprus Ltd.,
Respondent-Respondent.

M-1934
DC #19
Index No. 111977/04

-----X

An appeal having been taken by petitioners from the judgment and order of the Supreme Court, New York County, entered on or about March 20, 2007,

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 2015.

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

-----X
Marie Sander,

Plaintiff-Appellant,

-against-

First Tennessee Bank, et al.

M-1940
DC #24
Index No. 100290/06

Defendants-Respondents.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about December 3, 2007 (mot. seq. no. 005),

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 2015.

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

-----X
Ajay Sarin, et al.,
Plaintiffs-Respondents,

-against-

CNA Financial Corporation,
Defendant,

M-1942
DC #25
Index No. 601453/07

-and-

National Fire Insurance Company of
Hartford, et al.,
Defendants-Appellants.

-----X

An appeal having been taken by National Fire Insurance Company of Hartford, et al. from the order of the Supreme Court, New York County, entered on or about September 15, 2008,

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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is dismissed.

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 June 9, 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 the Application of
Reginald Easton,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1879
DC # 7
Index No. 114136/10

Rafael E. Cestero, as Commissioner
of the New York City Department of
Housing Preservation and Development,
Respondent,

Knickerbocker Plaza LLC,
Respondent-Landlord.

-----X
An Article 78 proceeding to review a determination of respondent(s) having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 7, 2011,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 2015.

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

-----X

Mike Farahani,
Petitioner,

M-1922
DC #8

-against-

Index No. 100790/13

New York City Environmental Control,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 25, 2013,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 2015.

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

-----X

Silvia Figueroa,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1923
DC #9
Index No. 401001/13

Mathew Wambua, as Commissioner of
New York City Department of Housing
Preservation and Development, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 26, 2013,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 2015.

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

-----X

Ferdinand Gacer,
Petitioner,

M-1927
DC #12

-against-

Index No. 100501/13

New York State Central Register of
Child Abuse and Maltreatment, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 31, 2013,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 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 the Application of
Rebecca Goldstein,
Petitioner,

M-1928
DC #13

-against-

Index No. 103883/12

Department of Transportation, et al.
Respondent(s).

-----X

An Article 78 proceeding to review a determination of respondent(s) having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 23, 2012,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 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 the Application of
Ahmed Hassan Nasr,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1935
DC #20
Index No. 401875/12

City of New York,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 12, 2013,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that the aforesaid proceeding is dismissed.

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 June 9, 2015.

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

-----X
Osman Osman,
Petitioner, M-1938
DC #23
-against- Index No. 250635/14

Tina Stanford, etc.,
Respondent.
-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about July 8, 2014,

And said proceeding 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 May 14, 2015, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for petitioner having submitted an affirmation seeking an enlargement of time in which to perfect the proceeding,

Now, upon the Court's own motion, it is

Ordered that the time in which to perfect the proceeding is enlarged to the November 2015 Term of this Court and counsel is directed to so perfect.

ENTER:


CLERK

Steven A. Feldman, Esq., 626 Reckson Plaza, West Tower, 6th fl., Uniondale, New York 11556, Telephone No. 516-522-2828, 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 June 9, 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

Andrew R. and Anesia N.,

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

M-4288A
Docket No. NN-24413-4/12

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

Maurice R.,
Respondent,

Andrew R. and Anesia N.,
Respondents-Appellants/Children.

- - - - -
Neal D. Futerfas, Esq.,
Attorney for the Children.

-----X

Harold Meyerson, Esq., Family Court attorney for the subject children having moved on said children's behalf for leave to prosecute, as poor persons, the appeal from orders of the Family Court, Bronx County, entered on or about May 27, 2014 and on or about August 12, 2014, for assignment of counsel, a free copy of the transcript(s), 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal on said children's behalf; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellants to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellants are directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (The order of this Court entered on November 25, 2014, is hereby recalled and vacated.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 9, 2015.

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

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

-against-

M-2209
Ind. No. 3219/06

Jamarr Fowler,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Marvin, J.), entered on or about December 17, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 9, 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-1981
Case Nos. 25928C/10
25929C/10

Jean Noriega,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from orders of the Supreme Court, Bronx County (Alvarado, J.), entered on or about March 20, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 9, 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-1914
Ind. No. 3504/13

Jose Lozada,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Webber, J.), entered on or about January 15, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Webber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 9, 2015.

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

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

-against-

M-385
Ind. No. 89/11

Jaquan Layne,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 16, 2012 (M-192) 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 29, 2011, and assigning counsel therefor,

And an order of this Court having been entered on May 17, 2012 (M-1865), inter alia, substituting Glenn R. Abolafia, Esq., as counsel to prosecute the aforesaid appeal,

And assigned counsel Glenn R. Abolafia, Esq. having moved to be relieved as counsel and to substitute other counsel to prosecute 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 striking the designation of assigned counsel Glenn R. Abolafia, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, New York 10594, 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:



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 June 9, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Taryn Malinowski,
Plaintiff-Respondent,

-against-

M-1783
Index No. 113768/11

108 Perry LLC,
Defendant-Appellant,

-and-

Janina Boesch,
Defendant-Respondent.

-----X
108 Perry LLC,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 590840/13

Sunny Windows, Inc.,
Third-Party Defendant-Respondent.

-----X

Defendant-third-party plaintiff-appellant 108 Perry LLC 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 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 granted to the extent of enlarging the time to perfect the appeal to the October 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 June 9, 2015.

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

-----X
The People of the State of New York
ex rel. Antonio D. Gomez,
Petitioner-Appellant,

-against-

Warden Duffy, Warden of Rikers Island,
Respondent-Respondent.

M-1745
Index No. 100285/15
SCID No. 30036/15

-----X

Petitioner having moved for leave to appeal to this Court from the judgment of the Supreme Court, New York County, entered on or about March 17, 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 moving papers a timely filed notice of appeal.

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 June 9, 2015.

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

-----X
Wendy Cruz,
Plaintiff-Appellant,

-against-

M-1798
Index No. 308585/11

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

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 21, 2014,

And defendant-respondent The New York City Transit Authority having moved for an adjournment 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 adjourning the appeal to the October 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 June 9, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

In the Matter of a Support Proceeding
Under Article 4 of the Family Court Act

Charmaine D. M. C.,

Petitioner-Appellant,

-against-

Larry D.M.,

Petitioner-Respondent.
-----X

M-1795
Docket Nos.
F24872-06/10F/G/H
F-24872-06/12J
F-24872-06/13K

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about July 9, 2014, for assignment of counsel, a free copy of the transcript, 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 is denied. Sua sponte, the time to perfect the appeal is enlarged to the October 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 June 9, 2015.

Present - Hon. David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1847
Ind. No. 1498/11

Michael Kenny,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave 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 March 28, 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 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 June 9, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Anonymous,
Plaintiff-Respondent,

-against-

M-1685
M-1768
Index No. 350033/12

Anonymous,
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, New York County, entered on or about April 13, 2015 (M-1685),

An plaintiff-respondent having moved for an enlargement of time to perfect the appeal taken from an order of the same Court and Justice entered on or about June 13, 2014 (M-1768),

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

It is ordered that defendant-appellant's motion for stay of trial is denied and the interim relief granted by an order of a Justice of this Court, dated April 17, 2015, is hereby vacated (M-1685). The time to perfect plaintiff-respondent's appeal is enlarged to the October 2015 Term, without prejudice to plaintiff seeking an adjournment of the perfected appeal for the purposes of consolidation of said appeal with that from any appeal from a judgment following the trial (M-1768).

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 June 9, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Advanced Technique Fireworks, Inc.,
Plaintiff-Appellant,

-against-

M-1848
Index No. 112913/11

IMR Test Labs, et al.,
Defendants-Respondents.
-----X

Plaintiff-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 July 24, 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 October 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 June 9, 2015.

PRESENT - Hon: David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Krzysztof Bogdanowicz,
Plaintiff,

-against-

M-1667
Index No. 110800/09

New York University Medical Center
Condominium, et al.,
Defendants.

-----X
New York University Medical Center
Condominium,

Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590817/10

PAR Environmental Corporation,
Third-Party Defendant-Appellant.

(And another action)
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 3, 2014 (mot. seq. no. 003),

And third-party defendant-appellant PAR Environmental Corporation 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 October 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 June 9, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

-----X
AG47 LLC and Dan Forbes Studio LLC,
Plaintiffs-Respondents-Appellants,

-against-

M-1752
Index No. 651578/10

Art and Fashion Group Corporation, AFG
Management LLC, Pier 59 Studios, LP
and Federico Pignatelli,
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2014 (mot. seq. no. 002),

And defendants-appellants-respondents having moved for an enlargement of time to perfect their direct 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 and cross appeal to the October 2015 Term.

ENTER:


CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-1762
Ind. No. 7379/01

-against-

CERTIFICATE
DENYING LEAVE

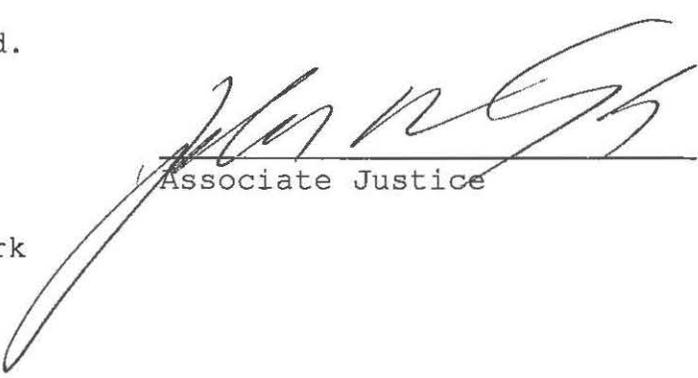
Dennis Farrell

Defendant.

-----X

I, John W. Sweeny, Jr., 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 of the Supreme Court, New York County, dated on or about September 10, 2014 (Cassandra M. Mullen, J.) is hereby denied.

Dated: May 27, 2015
New York, New York


Associate Justice

ENTERED: JUN 09 2015

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-814
Ind. No. 6159/91

-against-

Herman Myers,

Defendant.

-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court of the Supreme Court, New York County, entered on or about December 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 deeming the application timely made.


Associate Justice

Dated: May 21, 2015
New York, New York

ENTERED: JUN 09 2015

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

BEFORE: Hon. Paul G. Feinman
Justice of the Appellate Division

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

M-1183
Ind. No. 5276/03

-against-

CERTIFICATE
DENYING LEAVE

Latee Robinson

Defendant.

-----X

I, Paul G. Feinman, 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 of the Supreme Court, Bronx County (Robert E. Torres, J.), entered on or about July 14, 2014, is hereby denied.


Associate Justice

Dated: May 26, 2015
New York, New York

Entered: JUN 09 2015

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

BEFORE: Hon. Darcel D. Clark
Justice of the Appellate Division

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

M - 1690
Ind. No. 3558/98

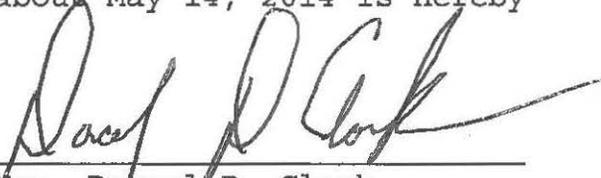
-against-

ORDER DENYING LEAVE
UPON MOTION TO RENEW

Angel L. Rosario,
Defendant.

-----X

I, Darcel D. Clark, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for consideration of a supplemental letter deemed a motion to renew the application for leave to appeal, decided by the order of this Court (M-4364), entered on November 13, 2014, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and there are no new facts that were not offered on the prior motion nor any reasonable justification for the failure to present such facts on the prior motion, permission to renew the application for leave to appeal from the order of the Supreme Court, Bronx County, entered on or about May 14, 2014 is hereby denied.



Hon. Darcel D. Clark
Associate Justice

Dated: May 20, 2015
New York, New York

ENTERED: JUN 09 2015

P.M ORDERS
FOR JUNE 9,
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 June 9, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

Maria Caminiti, As Administratrix
of the Estate of Pasquale Caminiti,
Deceased and Maria Caminiti,
Individually,

Plaintiffs-Appellants,

-against-

Extell West 57th Street, LLC,
et al.,

Defendants-Respondents.

M-1342
Index No. 150298/13

-----X

Plaintiffs-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 10, 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 June 9, 2015.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
Sylvia Kordower-Zetlin,
Plaintiff-Respondent,

-against-

The Home Depot U.S.A., Inc., et al.,
Respondents,

M-1352
M-2053
Index No. 652282/13

-and-

Contractor Resource Center Corp.,
et al.,
Defendants-Appellants.

-----x
An amended appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 16, 2014, and said appeal having been perfected,

And plaintiff-respondent having moved for dismissal of that portion of the appeal with respect to defendant-appellant Ezra Esha as untimely, and for dismissal of that portion of the appeal with respect to defendant-appellant Contractor Resource Center Corp. for failure to comply with CPLR 5526, 22 NYCRR 600.10(b)(1) and 22 NYCRR 600.11(a)(3) [M-1352],

And defendants-appellants having cross-moved for an order disregarding the defect in the notice of appeal as insubstantial under CPLR 2001 or, in the alternative, to permit amendment of the notice of appeal, nunc pro tunc, to include defendant Esha as an appellant, and permit appellants to amend and re-file the record on appeal to include the memorandum of law filed on the motion in the trial court [M-2053],

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 to dismiss the appeal is denied [M-1352], and it is further,

Ordered that the cross motion is granted to the extent of permitting amendment of the notice of appeal, nunc pro tunc, to include Esha as an appellant. Appellants are directed to file a supplemental record on appeal to include the memoranda filed in the trial court, forthwith [M-2053].

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 June 9, 2015.

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

-----X
Jorge Guaman,
Plaintiff-Appellant,

-against-

Ansley & Company, LLC, et al.,
Defendants-Respondents.

M-1744

-----X
Deeper Life Bible Church, Inc.,
Third-Party Plaintiff,

Index No. 306555/11

-against-

Keu Architect Studio, P.C., Koko Uyo
and Lenny Gomez,
Third-Party Defendants.

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about December 23, 2014, and the appeal taken by plaintiff-appellant having been perfected,

And third-party defendant Koko Uyo having moved for leave to prosecute, as a poor person, its appeal from the aforesaid order, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 June 9, 2015.

Present - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----x
Anderson Kill P.C.,
Petitioner-Appellant,

-against-

Anderson Kill P.C., as Escrowee, M-2116
Respondent, Index No. 156153/14

-and-

Stelios Coutsodontis,
Intervenor-Respondent.

-----x
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about February 11, 2015, and said appeal having been perfected,

And petitioner-appellant having moved for an order granting leave to file a supplemental record on appeal, and to take judicial notice of certain documents,

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 only to the extent of directing petitioner-appellant to file a supplemental record on appeal containing the documents set forth as Exhibits A and B to the moving papers forthwith, and otherwise denied. Sua sponte, the appeal is adjourned to the October 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 June 9, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Raymond Finerty, et al.,
Plaintiffs-Respondents,

-against-

Abex Corporation, formerly known as
American Brake Shoe Company, et al.,
Defendants,

M-935A
M-1070A
M-1126A
Index No. 190187/10

Ford Motor Company, Ltd.,
Defendant-Appellant.

- - - - -

Raymond Finerty, et al.,
Plaintiffs-Respondents,

-against-

Abex Corporation, et al.,
Defendants,

Ford Motor Company,
Defendant-Appellant.

- - - - -

Chamber of Commerce of the
United States of America,
Amicus Curiae.

-----X

Defendant-appellant Ford Motor Company (Ford USA) having moved for leave to appeal to the Court of Appeals from so much of the decision and order of this Court entered on February 26, 2015 as affirmed the order of the Supreme Court, New York County entered on or about October 27, 2014, which inter alia, denied Ford USA's motion for summary judgment (Appeal Nos. 14343 and 14344) (M-935),

And plaintiffs-respondents having cross-moved (M-1070) to vacate a stay of trial granted by an order of this Court dated December 2, 2014 (M-5521, M-5522),

And the Chamber of Commerce of the United States of America having moved for leave to appear amicus curiae in connection with the motion (M-1126),

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

It is ordered that defendant-appellant's motion (M-935) is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was that portion of the order of this Court, unanimously affirming the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion, and it is further,

Ordered that plaintiffs-respondents' cross motion (M-1070) to vacate the aforesaid stay of trial pending hearing and determination of this appeal is denied as academic. The Chamber of Commerce of the United States of America's motion for leave to appear as amicus curiae on the motion is granted (M-1126).

ENTER:



CLERK