

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 May 14, 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-1828  
Ind. No. 443/10

Carlton Wigfall,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated April 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----x  
In the Matter of the Application of  
David Acevedo, et al.,  
Petitioner,

For a Judgment Pursuant to Article 78 M-1200  
of the Civil Practice Law and Rules Index No. 103942/12

-against-

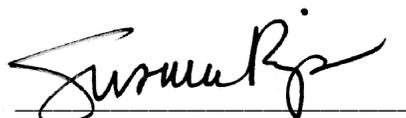
Matthew M. Wambua, etc., et al.,  
Respondents-Respondents.  
-----x

Respondent Masaryk Towers Corporation having moved, pursuant to CPLR 5513 (a), for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about April 23, 2014, as untimely taken,

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

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

ENTER:

  
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 May 14, 2015.

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

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

-against-

M-1251  
Ind. No. 3527/13

Marvin Roberts,  
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 November 25, 2014, 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 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 May 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Dianne T. Renwick  
Judith J. Gische, Justices.

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

-against-

M-1273  
Ind. No. 2995/14

James Waiters,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 9, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 14, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

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

-against-

M-1470  
Ind. No. 1478/14

Gabriel Polanco,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 15, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 14, 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

DySean R.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-1114  
Docket No. D-19312/14

Appellant.  
-----X

Assigned counsel for appellant having moved for leave to prosecute the appeal from the order of the Family Court, Bronx County, entered on or about March 6, 2015, as a poor person, 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 and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor<sup>1</sup>; **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
\_\_\_\_\_  
CLERK

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<sup>1</sup>Service 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 May 14, 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-1458**  
Ind. Nos. 3643/13  
1326/13

Erick Rivera,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 20, 2014 (M-1548) 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 February 14, 2014,

And assigned counsel, Seymour W. James, Jr., Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time 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 May 14, 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-1796**  
Ind. No. 4638/13

Carlos Almonte,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on December 9, 2014 (M-5359) 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 September 24, 2014,

And assigned counsel, Seymour W. James, Jr., Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, NY 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time 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 May 14, 2015.

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

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

-against-

**M-6206**  
SCI#-01694/14

Omar Pereira-Orlando,  
Defendant.

-----X

A judgment of the Criminal Court, Bronx County, having been rendered on or about October 1, 2014,

And defendant having moved for an enlargement of time to file a notice of appeal from the aforesaid judgment and for leave to prosecute the appeal as a poor person on 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 denied with leave to renew in Appellate Term, First Department.

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 May 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----x  
Phoenix Construction, Inc.,  
Plaintiff-Appellant,

-against-

M-1602  
Index No. 103223/09

70th Street Apartments Corp.,  
Defendant-Respondent.

-----x  
70th Street Apartments Corp.,  
Plaintiff-Respondent,

-against-

Index No. 161709/14

Phoenix Construction, Inc.,  
Defendant-Appellant.

-----x

Appeals having been taken from an order of the Supreme Court New York County, entered on or about March 30, 2015 (161709/14) and March 4, 2015 (Index No. 103223/09), respectively,

And plaintiff/defendant-appellant Phoenix Construction, Inc. having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

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 May 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Gramercy Park Residence Corp.,  
Plaintiff-Respondent-Appellant,

-against-

Elaine Ellman,  
Defendant-Appellant-Respondent.

M-1697  
M-1722  
Index No. 603071/02

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 14, 2014,

And plaintiff-respondent-appellant having moved for an enlargement of time to perfect their cross appeal from the aforesaid order (M-1697),

And defendant-appellant-respondent having cross-moved for an enlargement of time to perfect their direct appeal from the aforesaid order (M-1722),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the September 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 May 14, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Yvonne Rios,  
Plaintiff-Respondent,

-against-

M-1456  
Index No. 306747/09

1146 Ogden LLC and New City  
Management, LLC,  
Defendants-Appellants,

CYA Management LLC,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 28, 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 May 14, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

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

-against-

M-1344  
Ind. No. 1313/12

Shawayne Legall,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 14, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

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

-against-

M-1394  
Ind. No. 483/13

Cynthia Garrett,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 14, 2014 (M-6390), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 7, 2013, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:

  
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 May 14, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
Ralph Brannon,  
Petitioner,

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

M-1570  
Index No. 102203/12

-against-

The Department of Housing Preservation  
and Development of the City of New York,  
et al.,  
Respondents.

-----X  
Petitioner having moved for reargument of the decision and order of this Court entered on February 24, 2015 (Appeal No. 14309), and for leave to amend the record on 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 in its entirety.

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 May 14, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Paul G. Feinman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
CF HY LLC,  
Plaintiff-Respondent,

-against-

M-730  
Index No. 601579/08

Hudson Yards LLC, et al.,  
Defendants,

Baruch Singer,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 20, 2015 (Appeal Nos. 13980-13981-13982),

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 May 14, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

Esther Hephzibah,  
Plaintiff-Appellant,

-against-

M-737  
Index No. 116481/10

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

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 13, 2015 (Appeal No. 13652),

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 May 14, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Karla Moskowitz  
Paul G. Feinman, Justices.

-----X  
In re Emma Torres, etc.,  
-----

Emma Torres,  
Co-Conservator-Appellant,

-against-

M-936  
Index No. 19704/88

Dara Freed, Executrix of the Estate  
of Bernard Cohen,  
Respondent,

Fidelity and Deposit Company of Maryland,  
Respondent-Appellant.  
-----

Joel B. Mayer, Esq.,  
Nonparty Respondent.  
-----X

Co-conservator-appellant Emma Torres having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 26, 2015 (Appeal No. 14019-14019A-14019B),

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 May 14, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
William Smith,  
Plaintiff-Appellant,

-against-

M-1565  
Index No. 307889/10

Kaushik Das, M.D., et al.,  
Defendants-Respondents.

-----X

Defendant-respondent Kaushik Das, M.D. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2015 (Appeal No. 14313),

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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x

Todd Courtney and 304 West 18, LLC,  
Plaintiffs-Appellant,

-against-

M-1375

Index No. 108499/07

18<sup>th</sup> & 18<sup>th</sup> LLC, et al.,  
Defendants-Respondents.

-----x

Defendants-respondents having moved, pursuant to CPLR 5513 (a), for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about October 22, 2014, as untimely taken,

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

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

ENTER:

  
\_\_\_\_\_  
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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
Lorraine Solis,  
Plaintiff-Appellant,

-against-

M-1038  
M-1246  
Index No. 800294/11

Dr. Robert Weingarten, et al.,  
Defendants-Respondents.

-----x  
Dr. Robert Weingarten, et al.,  
Third-Party Plaintiffs,

-against-

Dr. Gene Sheinkman,  
Third-Party Defendant.

-----x

Defendant-respondent Sol Stolzenberg having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 28, 2014, for failure to timely perfect (M-1038),

And defendant-respondent Robert Weingarten having moved separately for the aforesaid relief (M-1246),

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

It is ordered that the motions are granted and the appeal is dismissed (M-1038/M-1246).

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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
In the Matter of the Application of  
Victoria Wofford,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1338  
of the Civil Practice Law and Rules Index No. 100284/14

-against-

New York State Department of Corrections  
and Community Supervision,  
Respondent-Respondent.

-----X  
Petitioner-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from an amended order of the Supreme Court, New York County, entered on or about November 28, 2014, 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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Liberty Surplus Insurance Corporation,  
Plaintiff-Respondent-Appellant,

-against-

M-1353  
Index No. 155165/12

Burlington Insurance Company,  
Defendant,

QBE Insurance Corporation,  
Defendant-Appellant-Respondent.

-----X

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

Defendant-appellant-respondent QBE Insurance Corporation having moved for an enlargement of time to perfect their appeal from the aforesaid order,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----x  
NYCTL 2008-A Trust, et al.,  
Plaintiffs, M-1194  
-against- M-1564  
Index No. 108725/09

IG Greenpoint Corp., et al.,  
Defendants.  
-----  
IG Greenpoint Corp., et al.,  
Plaintiffs-Respondents,  
-against- Index No. 600004/13

Valoc Enterprises Corp., sued herein as  
Valoc Enterprises Inc.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 23, 2015,

And plaintiff-respondent New Gold Equities having moved for a declaration that the enforcement of the aforesaid order has not been stayed pending hearing and determination of the appeal, to hold defendant-appellant in civil contempt, and for other relief (M-1194),

And defendant-appellant Valoc Enterprises Corp., etc., having cross-moved for an order granting a discretionary stay and deeming that escrow funds currently held in the "collateral account" to be sufficient as an undertaking,

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

It is ordered that the motion is denied, without prejudice to plaintiff seeking such relief in Supreme Court. The cross 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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Darcel D. Clark, Justices.

-----X  
WSC Riverside Drive Owners LLC,  
Petitioner-Respondent,

-against-

M-1260  
Index No. 571144/12

Oliver Williams,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 10, 2015 (Appeal No. 13405),

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 May 14, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X

In re Jermaine Haywood,  
Petitioner,

-against-

M-1574  
Index No. 2605/13

Hon. Melissa Jackson, etc.,  
Respondent.

-----X

Petitioner having moved for reargument, clarification and for a stay of the decision and order of this Court entered on December 9, 2014 (Appeal No. 13742/M-4382),

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 May 14, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
Ambac Assurance Corporation, et al.,  
Plaintiffs-Appellants,

-against-

M-5632  
Index No. 651013/12

EMC Mortgage LLC, etc., et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 16, 2014 (Appeal No. 12665),

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 May 14, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----X  
Barklee 94 LLC,  
Plaintiff-Respondent,

-against-

Augustus Oliver and Lisbeth Oliver,  
Defendants-Appellants.

M-699  
M-735  
Index No. 100346/13

-----X

Plaintiff-respondent having moved by separate motions for reargument of (M-699) or, in the alternative, leave to appeal to the Court of Appeals (M-735) from the decision and order of this Court entered on January 15, 2015 [Appeal No. 13726],

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

It is ordered that the motions are denied.

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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----x  
In the Matter of the Application of  
Sylvia Mendez,  
Petitioner-Appellant,

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

M-1174  
Index No. 400634/14

-against-

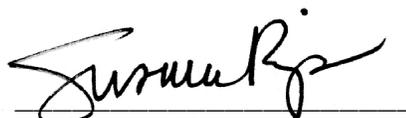
New York City Housing Authority,  
Respondent-Respondent.  
-----x

Respondent-respondent having moved, pursuant to CPLR 5513 (a), for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 18, 2014, as untimely taken,

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

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

ENTER:

  
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 May 14, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
AC I LedgeWood Mezz LLC,

Plaintiff-Appellant,

-against-

DMR CRE Opportunity Fund I LP,  
et al.,

Defendants-Respondents.  
-----X

**M-1136**  
Index No. 153809/14

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about February 9, 2015,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before September 8, 2015 for the November 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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

**CONFIDENTIAL**  
M-1494  
Ind. No. 956/13

Robert Nunez,  
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 December 12, 2014, 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 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 May 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of a Family Offense  
Proceeding Pursuant to Article 8  
of the Family Court Act.

-----

Sonia S.,  
Petitioner-Respondent,

-against-

M-1449  
Docket No. O-17839/13

Pedro Antonio S.,  
Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about June 9, 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 September 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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
R.B. Conway & Sons, Inc.,  
Plaintiff-Respondent,

-against-

M-1623  
Index No. 111994/10

Premier Construction Corp.,  
Defendant-Appellant,

-and

New York City Department of Parks  
and Recreation, et al.,  
Defendants.

-----X

Defendant-appellant Primer Construction Corp. having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about June 23, 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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Robert Butt,  
Plaintiff-Appellant,

-against-

Equinox 63rd Street, Inc., et al.,  
Respondents-Respondents.

M-1622  
Index No. 110784/10

-----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 May 28, 2014 (mot. seq. no. 002),

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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Orchard Hotel, LLC,  
Plaintiff-Respondent,

-against-

D.A.B. Group, LLC, et al.,  
Defendants,

Flintlock Construction Services, LLC,  
Defendant-Appellant,

Brooklyn Federal Savings Bank and  
State Bank of Texas, et al.,  
Defendants-Respondents.

-----X

M-987  
M-1718  
Index No. 850044/11

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about May 19, 2014,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeals (M-987),

And defendants-respondents having cross-moved to dismiss the aforesaid appeals (M-1718),

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 appeals to the November 2015 Term, with leave to seek further enlargements if necessary (M-987). The cross motion is denied, without prejudice to advancing the argument directly on appeal (M-1718).

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 May 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x  
Francis Padilla, et al.,  
Plaintiffs-Respondents,

-against- Index No. 309679/11

Zulu Services, Inc., et al.,  
Defendants. M-1757

- - - - -  
Zulu Services, Inc., et al.,  
Third-Party Plaintiffs,

-against- Index No. 84190/11

F.W. Nagel,  
Third-Party Defendant-Appellant.

-----x

Third-party defendant-appellant having moved for a stay of trial herein pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about April 8, 2014,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 22, 2015, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of staying the trial herein on condition the appeal is perfected on or before July 22, 2015, 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 May 14, 2015.

Present - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
The People of the State of New York  
ex rel. Rohan Johnson,  
Petitioner,

-against-

M-1577

Warden, N.Y.C.D.O.C.,  
Respondent(s).

-----X

The above-named petitioner having moved for relief in the nature of a writ of habeas corpus to be issued from this Court, for an order setting bail or to be released on his own recognizance, and for other relief,

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

It is ordered that the motion, to the extent it seeks to set bail or to be released on his own recognizance, is denied, without prejudice to seeking such relief in the Appellate Division, Second Department. The motion is otherwise denied (CPLR § 7003[b]).

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 May 14, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Lukasz Gottwald, professionally  
known as Dr. Luke, et al.,  
Plaintiffs-Appellants,

**M-1400**

-against-

Index No. 653118/14

Kesha Rose Sebert, professionally  
known as Kesha, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6, 2015, and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of the order of Supreme Court entered on or about March 6, 2015, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is 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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Rosalyn H. Richter  
Judith J. Gische, Justices.

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

-----  
DeeAnna C., M-726  
Petitioner-Appellant, Docket Nos. V-31895/13  
V-31896/13

-against-

Jessica C.,  
Respondent-Respondent,

Nicholas Martin O.,  
Respondent-Respondent.

-----  
Elliot Podhorzer, Esq.,  
Attorney for the Children.

-----X  
Petitioner-appellant having moved for an enlargement of time to perfect the appeal from an order of the Family Court, New York County, entered on or about April 9, 2014, and for an order taking judicial notice of Exhibit B to the affirmation of Carol Kahn, Esq. submitted in support of the motion, and a certain Investigation and Report dated February 14, 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 September 2015 Term and of taking judicial notice of the aforesaid Exhibit B, without prejudice to respondent Jessica C. raising objections in her respondent's brief.

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 May 14, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X  
In re Renaissance Economic Development  
Corporation,  
Petitioner-Respondent,

-against-

M-1396  
Index No. 102313/11

Jin Hua Lin, etc.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2015 (Appeal No. 14452),

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 May 14, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X

Elliot Bertram, etc.,  
et al.,  
Plaintiffs-Appellants,

-against-

M-1440  
Index No. 103707/07

Columbia Presbyterian/New York  
Presbyterian Hospital,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument and rehearing of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2015 (Appeal Nos. 14463-14464 & M-5916),

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 May 14, 2015.

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

-----x  
Gilbane Buildings Co./TDX Construction  
Corp., etc., et al.,  
Plaintiffs-Respondents,

-against-

St. Paul Fire and Marine Insurance  
Company, et al.,  
Defendants,

M-1635  
Index No. 653199/11

-and-

Liberty Insurance Underwriters,  
Defendant-Appellant.

-----x  
Defendant-appellant 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 May 30, 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 September 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 May 14, 2015.

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

-----X

In the Matter of a Family Offense  
Proceeding Pursuant to Article 8  
of the Family Court Act.

-----

Olga S., on behalf of Sofia S. and  
Mark S.,

Petitioner-Respondent,

M-1445

Docket No. O-21660/12

-against-

Alec S.,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about September 23, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 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 May 14, 2015.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

-----  
James S.,  
Petitioner-Appellant,

M-1263  
Docket No. O-31546/13

-against-

Rosemide D.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about April 29, 2014,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties received April 20, 2015, and due deliberation having been had thereon,

It is ordered that the motion is deemed one for an enlargement of time and, as such, the time to perfect the appeal is enlarged to the September 2015 Term, 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 May 14, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
In re Anthony Battisti,  
Petitioner-Appellant,

-against-

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

M-5679  
Index No. 103234/12

-----X

Respondents-respondents having moved for reargument of the decision and order of this Court entered on October 16, 2014 (Appeal No. 13135-13135A),

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 May 14, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

-against-

**M-953**

Ind. No. 1409/13

Marvis Rivers,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 8, 2014, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 transcript to appellant's counsel, without charge, the transcript to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
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 May 14, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Roselyn H. Richter, Justices.

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

-against-

M-1212  
Ind. No. 2770/13

Richard Saul,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 21, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 14, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

-against-

M-1348  
Ind. No. 2350/09

Darrel Joe, also known as Divine,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 1, 2012 (M-500), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 4, 2011, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and defendant-appellant, pro se, having moved to substitute such counsel, and for related relief,

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

It is ordered that the motion is 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 May 14, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2057  
Ind. No. 6306/10

Camacho Olivero,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 17, 2014, and said appeal having been perfected,

And defendant-appellant having moved for preference in the hearing of the appeal during the June 2015 Term,

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

It is ordered that the motion is granted, and the Clerk is directed to calendar the perfected appeal for June 17, 2015.

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 May 14, 2015.

Present - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application for  
Civil Management Pursuant to Article 10  
of the Mental Hygiene Law.

-----  
The State of New York,  
Petitioner-Appellant,

M-1250  
Index No. 30061/08

-against-

Floyd Y.,  
Respondent-Respondent.

-----X

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

And petitioner-appellant having moved for a stay of so much of the order releasing respondent from civil management pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court dated March 23, 2015, on condition the appeal is perfected for the September 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 May 14, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Nayci Contracting Associates, LLC,  
and Mehmet Nayci,  
Petitioners,

**M-1262**

For a Judgment Pursuant to Article 78 Index No. 106851/10  
of the Civil Practice Law and Rules,

-against-

New York City Department of Consumer  
Affairs, and Janet Ricevuto,  
Respondents.

-----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 May 10, 2011, to review a determination of respondents,

And petitioners having moved to "stay" the aforesaid proceeding until the conclusion of the LLC's Chapter 7 bankruptcy proceeding, and to enlarge its time to perfect the proceeding,

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

Ordered that the motion is granted to the extent of enlarging only the LLC's time to perfect its proceeding to the December 2015 Term, with leave to seek a further enlargement if necessary, and otherwise denied.

ENTER:

  
CLERK

P.M ORDERS  
FOR MAY 14,  
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 May 14, 2015.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

Keith Stock,  
Plaintiff-Respondent,

-against-

M-1800  
Index No. 651250/13

Schnader Harrison Segal & Lewis LLP,  
et al.,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court by the above-named defendants from the order of the Supreme Court, New York County, entered on or about December 8, 2014, and said appeal having been perfected,

And the law firms Willkie Farr & Gallagher LLP, Davis Polok & Wardwell LLP, Pillsbury Winthrop Shaw Pittman LLP, Morrison & Foerster LLP, and Weil Gotshal & Manges LLP having jointly moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and the proposed 9 copies of the brief amici curiae submitted with the moving papers is deemed filed.

ENTER:

  
CLERK