

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 19, 2015.

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

-----X  
Home Equity Mortgage Trust Series  
2006-1, et al.,  
Plaintiffs-Respondents,

-against-

M-1599X  
Index No. 156016/12

DLJ Mortgage Capital, Inc., and  
Select Portfolio Servicing, Inc.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 14, 2015 (mot. seq. no. 021),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 19, 2015.

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

-----X  
Alberto Herrera and Maria Javier,  
Plaintiffs-Appellants,

-against-

M-1815X  
Index No. 154372/12

Riad Assila, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 14, 2015 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 19, 2015.

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

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

-against-

M-1849  
Ind. No. 5980/09

Michael McGee,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 4, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated April 24, 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 19, 2015.

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

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

-against-

M-1884  
Ind. No. 2689/12

David Bowman,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 24, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated April 29, 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 19, 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-

David Davis,  
Defendant-Appellant.

M-1887  
Ind. No. 2997/05  
Case No. 39955C/05

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 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 19, 2015.

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

-----X  
Maurice Dickson, etc.,  
Plaintiff-Respondent,

-against-

M-1816X  
Index No. 155011/12

Eagle Team Development, LLC,  
Defendant,

Alphonse Rossi,  
Defendant-Appellant.

-----X  
Alphonse Rossi,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 590046/14

Stephen M. Apollo, Esq., et al.,  
Third-Party Defendants-Respondents.

-----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. nos. 001-002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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 19, 2015.

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

-----X  
Rose Rivera and Pablo Rivera,  
Plaintiffs-Respondents,

-against-

M-1894X  
Index No. 304094/09

The Burke Rehabilitation Hospital,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 10, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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 19, 2015.

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

-----X  
WLA Consulting LLC,

Plaintiff-Respondent,

-against-

M-1860

Index No. 102327/12

Seibel Sales Corp., et al.,  
Defendants-Appellants,

Monroe Seibel, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2014 (mot. seq. no. 006),

Now, upon reading and filing the stipulation of the parties hereto, dated April 20, 2015, and due deliberation having been had thereon,

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

ENTER:

  
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 19, 2015.

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

-----X  
Delayne Gold, et al.,  
Plaintiffs-Respondents,

-against-

M-1836  
Index No. 104030/11

City of New York,  
Defendant-Appellant,

Vincent Rusciano Construction Co., Inc.,  
et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 14, 2014 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated April 23, 2015, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 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 May 19, 2015.

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

-----x

Mattie M. Jones,  
Plaintiff-Respondent-Appellant,

-against-

M-2598  
M-2649  
M-3603X

Hamidullah Mucaht and "John Doe",  
Defendants-Appellants-Respondents.

Index No. 113029/07

-----x

Defendant-appellant-respondent Hamidullah Mucaht 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 August 16, 2010 (M-2598),

And plaintiff-respondent-appellant having cross-moved for an enlargement of time to perfect the cross appeal from the aforesaid order (M-2649),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 4, 2011, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn, and the motions are deemed 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 19, 2015.

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

-----X  
Kyreese L. Franklin,  
Plaintiff-Appellant-Respondent,

-against-

M-1893X  
Index No. 20308/12

Carmen Rosa Gareyua, et al.,  
Defendants-Respondents-Appellants.  
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about June 17, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 2015, and due deliberation having been had thereon,

It is ordered that the cross appeal taken by defendants is withdrawn in accordance with the aforesaid stipulation. The direct appeal remains extant.

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 19, 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-1723  
Ind. No. 4601N/13

Sheldon Herron,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 4, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 19, 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-1724  
Ind. No. 2118/10

Anderson Lantigua,  
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 January 24, 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.

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 19, 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-1725  
Ind. No. 2627/09

Ramon Lara,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2012, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 19, 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-1727  
Ind. No. 3768/00

Adrian Lopez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 16, 2001, 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.

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 19, 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-1729  
Ind. No. 3184/00

Marcos Rodriguez, also known as  
Marcos Rorriguez, also known as  
Marcos Rodriquez,  
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 October 10, 2002, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 19, 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-1730  
Ind. No. 3534N/14

Angel Ruiz,  
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 February 3, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 19, 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

Joseph R., Jr.,  
and Kaitlyn L. R.,

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

**M-1046**  
Docket Nos. NN-30084/13  
NN-30082/13

-----  
Administration for Children's Services  
of the City of New York,  
Petitioner-Respondent,

Jasmine M.G.,  
Respondent-Appellant.

-----  
Shirley Caro, Esq.,  
Lawyers for Children,  
Attorney for the Children.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 2, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, 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 City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 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) appellant is 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.**

ENTER:



CLERK

---

<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 19, 2015.

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

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

**M-1240**

- - - - - Docket Nos. V-55484-09/14B  
Yamilly M. S., V-55484-09/14B  
Petitioner-Appellant, V-55314-09/14A  
V-55313-09/14A  
-against-

Ricardo A. S.,  
Respondent-Respondent.

- - - - -  
Larry S. Bachner, Esq.,  
Attorney for the Children.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 27, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318 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 City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 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) appellant is 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.** (See M-1511, decided simultaneously herewith.)

ENTER:



CLERK

---

<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 19, 2015.

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

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

- - - - -  
Yamilly M. S.,  
Petitioner-Appellant,

**M-1511**

Docket Nos. V-55484-09/14B  
V-55485-09/14B  
V-55314-09/14A  
V-55313-09/14A

-against-

Ricardo A. S.,  
Respondent-Respondent.

- - - - -  
Larry S. Bachner, Esq.,  
Attorney for the Children.

-----X

Alexander M. Carlin, Esq., Family Court attorney for the subject children, having moved on said children's behalf for leave to respond, as poor persons, to the appeal from the order of the Family Court, New York County, entered on or about February 27, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (917) 378-0176, as counsel for purposes of responding to the appeal on said children's behalf; (2) permitting movants to

respond to the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1240, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 19, 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-1331  
Case No. 39955C/05

David Davis,  
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 (Bruce, J.), entered on or about March 18, 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 Bruce 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 May 19, 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-1339  
Ind. No. 8364/99

Tony Sanchez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Merchan, J.), entered on or about March 19, 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 Merchan 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 May 19, 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-1341  
Ind. No. 9544/89

Emanuel Johnson,  
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 (Bruce, J.), entered on or about March 18, 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 Bruce 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 May 19, 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-1419  
Ind. No. 584/11

Robert Williams,  
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 (Bruce, J.), entered on or about March 25, 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 Bruce 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 May 19, 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-1455  
Ind. No. 1840/10

Marc Oquendo,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Solomon, J.), entered on or about March 6, 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 Solomon 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 May 19, 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-1482  
Ind. No. 2464/12

Michael Lewis,  
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 (Bruce, J.), entered on or about March 25, 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 Bruce 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 May 19, 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-1496  
Ind. No. 1742/09

Antonio Villafane,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Solomon, J.), entered on or about March 12, 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 Solomon 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 May 19, 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-1583  
Ind. No. 5424/11

Garth S. Dunning,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Daniel P. Conviser, J.) entered on or about March 3, 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 Conviser 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 May 19, 2015.

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

-----X

Dana Escoffier,  
Plaintiff-Appellant,

-against-

M-1478  
Index No. 401986/13

Sokolski & Zekaria, P.C.,  
Defendant-Respondent.

-----X

Plaintiff-appellant pro se having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 24, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to 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 19, 2015.

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

-----X

Anthony Toxey,  
Plaintiff-Appellant-Respondent,

-against-

The City of New York,  
Defendant-Respondent-Appellant.

-----X

**M-1448**

**M-1696**

Index No. 400844/10

Defendant, The City of New York, having taken an appeal from the order of the Supreme Court, New York County, entered on or about March 25, 2014; and, plaintiff, Anthony Toxey having taken a cross appeal from the same order,

And, plaintiff, Anthony Toxey, having taken an appeal from the order of said Supreme Court, entered on or about November 17, 2014; and defendant, The City of New York having taken a cross appeal from the same order,

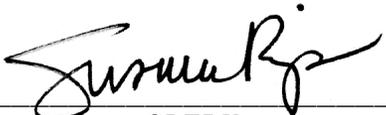
And plaintiff, Anthony Toxey, having moved for consolidation of his appeal and cross appeal, an enlargement of time to perfect said appeals, for leave to prosecute said appeal and cross appeal upon the original record and reproduced appellant's brief, for the assignment of counsel, and for related relief (M-1448),

And defendant, The City of New York, having moved for an enlargement of time to perfect their appeal from the order entered on or about March 25, 2014 (M-1696),

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 to the extent of, (1) consolidating the aforesaid appeals and cross appeals and, sua sponte, designating plaintiff Toxey as appellant-respondent, and defendant The City of New York as respondent-appellant with respect to the consolidated appeals and cross-appeals; (2) granting plaintiff-appellant leave to perfect his appeals upon the original records and upon one set of reproduced appellant's briefs, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 8 copies of such brief, together with the original record, with this Court, with leave to the respondent City of New York to file a respondent's appendix if so advised; (3) enlarging the time to perfect consolidated appeals and cross appeals to the November 2015 Term; (4) permitting plaintiff-appellant to dispense with payment of the required fee for the subpoena and filing of the record, and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 19, 2015.

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

-----X  
Daniel Grogul and Maria Grogul,  
Plaintiffs-Respondents,

-against-

M-1085  
Index No. 300627/09

The Parkchester South Condominium,  
Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 10, 2014,

And an order of this Court having been entered on April 9, 2015 (M-1145X) deeming the aforesaid appeal withdrawn,

And defendants-appellants having moved for an enlargement to time to perfect same,

Now, upon reading and filing the papers with respect to said motion including the aforesaid order of this Court entered on April 9, 2015 (M-1145X), and due deliberation having been had thereon,

It is ordered that the motion is denied as academic.

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 19, 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-1365  
Ind. No. 5872/11

Henry Huggins,  
Defendant-Appellant.

-----x

An order of this Court having been entered on September 11, 2014 (M-3503), 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 May 30, 2014, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

An order of this Court having been entered on May 3, 2015 (M-5092/M-5126), inter alia, substituting Robert S. Dean, Esq., as counsel to prosecute the aforesaid appeal, and continuing the poor person previously granted by the order of this Court on September 11, 2014 (M-3503),

And defendant-appellant having moved for an enlargement of time to file a notice of appeal from the order of the Supreme Court, New York County, entered May 30, 2014 which, inter alia, denied defendant's motion seeking to vacate the sentence pursuant to CPL 440.30(1)(a), and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal from the order entered on or about May 30, 2014, and the poor person relief and the assignment of counsel previously afforded defendant by the order of this Court entered on September 11, 2014 (M-3503), is extended to cover same.

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 19, 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-

Tony Owens,  
Defendant-Appellant.

M-1123  
Ind. Nos. 1432/12  
3251/13

-----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 18, 2014, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, for the assignment of 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 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.

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 19, 2015.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X  
Wathne Imports, Ltd.,  
Plaintiff-Appellant,

-against-

PLR USA, Inc., et al.,  
Defendants-Respondents.

-----X

**M-967**

Index No. 603250/05

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 3, 2015 (Appeal Nos. 14142, 14143 and 14144),

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 19, 2015.

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

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

- - - - -  
Maria Leo, Administratrix of the Estate of  
Her Son, Donald Christopher Leo, Deceased  
May 30, 2008,  
Plaintiff,

-against-

M-1236  
**Action No. 1**  
Index No. 117294/08

The City of New York, New York City  
Department of Buildings,  
Defendants-Respondents,

Michael Carbone, Patricia J. Lancaster,  
Robert Limandri, New York Crane and  
Equipment Corp., James F. Lomma, Lomma  
Trucking & Rigging, J.F. Lomma Rigging, Inc.,  
Tes, Inc., J F Lomma Trucking & Riggin, JF  
Lomma Tucking & Rigging and Specialized  
Services, Brady Marine Repair Co., Testwell,  
Inc., Branch Radiographic Laboratories Inc.,  
Crane Inspection Services, Ltd., Sorbara  
Construction Corp.,  
Defendants,

1765 First Associates, LLC,  
Defendant-Appellant,

Leon D. DeMatteis Construction Corporation,  
Mattone Group Construction Co. Ltd., Mattone  
Group, LLC., City of New York Construction  
Authority, City of New York School Construction  
Fund, Howard I. Shapiro & Associates Consulting  
Engineers, P.C., New York Rigging Corp.,  
Tower Rigging Consultants, Inc., Tower Rigging,  
Inc., Unique Rigging Corp., Lucius Pitkin, Inc.,  
McLaren Engineering Group, M.G. McLaren, P.C.  
and John/Jane Does "1" through "10".  
Defendants.

-----X

-----X  
(And Additional Third-Party Actions)

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Xhevahire Sinanaj and Selvi Sinanovic, as  
Co-Administrators of the Estate of Ramadan  
Kurtaj, Deceased & Selvi Sinanovic,  
Individually,  
Plaintiffs,

-against-

**Action No. 2**

Index No. 117469/08

The City of New York, New York City  
Department of Buildings,  
Defendants,

Michael Carbone, Patricia J. Lancaster,  
Robert Limandri, City of New York School  
Construction Authority, New York City  
Educational Construction Fund, City of  
New York School Construction Fund,  
New York Crane & Equipment Corp, J.F.  
Lomma, Inc., Tes, Inc., J F Lomma Trucking &  
Rigging, JF Lomma Brady Marine Repair Co.,  
Testwell, Inc., Branch Radiographic  
Laboratories Inc., Crane Inspections  
Services, Ltd.,

Sorbara Construction Corp., 1765 First  
Associates, LLC,  
Defendants,

Leon D. DeMatteis Construction Corporation,  
Mattone Group Construction Co. Ltd., Mattone  
Gruppo Ltd., Mattone Group, LLC., Howard I.  
Shapiro & Associates Consulting Engineers,  
P.C., New York Rigging Corp., Tower Rigging  
Consultants, Inc., Tower Rigging, Inc., Unique  
Rigging Corp., Lucius Pitkin, Inc., McLaren  
Engineering Group, M.G. McLaren, P.C.  
and John/Jane Does "1" through "10".  
Defendants.

-----X  
(And Additional Third-Party Actions)  
-----X

-----X  
 In Re: 91<sup>st</sup> Street Crane Collapse  
 Litigation

- - - - -  
 John Odermatt, Noel Allum, Mary Allum,  
 Vered Ohayon, Crystal Brisbane, William  
 Dodson, Ania Kucharski, Jonathan Urband  
 and David Leichter,  
 Plaintiffs,

-against-

**Action No. 3**  
 Index No. 102943/09

1765 First Associates, LLC, Leon D. DeMatteis  
 Construction Corporation, New York Crane and  
 Equipment Corp., Sorbara Construction  
 Corporation and The City of New York,  
 Defendants.

-----X  
 (And Additional Third-Party Actions)

-----X  
 In Re: 91<sup>st</sup> Street Crane Collapse  
 Litigation

- - - - -  
 First & 91, LLC,  
 Plaintiff,

-against-

**Action No. 4**  
 Index No. 108543/08

1765 First Associates, LLC, Leon D. DeMatteis  
 Construction Corporation, New York Crane and  
 Equipment Corp., Sorbara Construction  
 Corporation and The City of New York,  
 Defendants.

-----X  
 (And Additional Third-Party Actions)

-----X  
 In Re: 91<sup>st</sup> Street Crane Collapse  
 Litigation

- - - - -  
 Guiseppe Calabro,  
 Plaintiff,

-against-

**Action No. 5**  
 Index No. 108543/08

The City of New York, 1765 First Associates,  
 LLC, Mattone Group Construction Co., Ltd.,  
 DeMatteis Construction, Leon D. Matteis  
 Construction Corporation and New York Crane &  
 Equipment Corp.,  
 Defendants.

-----X

-----X  
(And Additional Third-Party Actions)  
-----X

In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Christopher Doran,  
Plaintiff,

-against-

**Action No. 6**  
Index No. 108543/08

The City of New York, 1765 First Associates,  
LLC, Mattone Group Construction Co., Ltd.,  
DeMatteis Construction, Leon D. Matteis  
Construction Corporation and New York Crane &  
Equipment Corp.,  
Defendants.

-----X  
(And Additional Third-Party Actions)  
-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant-appellant, Sorbara Construction Corp., and by defendant 1765 First Associates, LLC from orders of the Supreme Court, New York County, entered on or about March 3, 2014 (mot. seq. no. 88 - Action No. 1), March 5, 2014 (mot. seq. no. 63 - Action No. 2), March 12, 2014 (mot. seq. no. 24 - Action No. 5), March 13, 2014 (mot. seq. no. 11 - Action No. 4/ mot. seq. no. 13 - Action No. 6), and March 14, 2014 (mot. seq. no. 10 - Action No. 3), respectively

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 19, 2015,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to 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 19, 2015.

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

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

- - - - -  
Kevin Mahoney and Carolyn Ryan,  
Plaintiffs,

-against-

M-1235  
**Action No. 1**  
Index No. 104543/09

1765 First Associates, LLC, DeMatteis  
Construction Corporation, New York Crane &  
Equipment Corp.,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Robert G. Leino, Louise M. Leino and  
Bridget E. Leino,  
Plaintiffs,

-against-

**Action No. 2**  
Index No. 101871/09

James Lomma, individually and doing  
business as New York Crane & Equipment Corp.,  
Sorbara Construction Corp., Leon D. Matteis  
Construction Corp., Mattone Group, LLC,  
1765 First Associates, LLC and Total Safety  
Consulting, LLC,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant, Sorbara Construction Corp., and by defendant 1765 First Associates, LLC from orders of the Supreme Court, New York County, entered on or about, entered on or about March 12, 2014 (mot. seq. no. 11 - Action No. 2), and from an order of the same Court and Justice entered on or about March 14, 2014 (mot. seq. no. 7 - Action No. 1),

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 19, 2015,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to 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 19, 2015.

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

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

- - - - -  
Simeon Alexis and Kathlyn Moore,  
Plaintiffs,

-against-

M-1234  
**Action No. 1**  
Index No. 105221/09

The City of New York and 1765 First  
Associates, LLC,  
Defendants,

New York City Department of Education,  
New York City Education Construction Fund,  
Leon D. DeMatteis Construction Corporation,  
the DeMatteis Organizations and New York  
Crane and Equipment Corp.,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Daniel Oddo,  
Plaintiff,

-against-

**Action No. 2**  
Index No. 111626/08

The City of New York, and 1765 First  
Associates, LLC,  
Defendants,

Mattone Construction, Co., Ltd.,  
DeMatteis Construction Corporation,  
and New York Crane and Equipment Corp.,  
Defendants.

-----X

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

-----  
Jack Rizzocasio,  
Plaintiff,

-against-

**Action No. 3**  
Index No. 108088/09

The City of New York, and 1765 First  
Associates, LLC,  
Defendants,

Mattone Construction, Co., Ltd.,  
DeMatteis Construction Corporation,  
and New York Crane and Equipment Corp.,  
Defendants.

-----X  
(And Additional Third-Party Actions)  
-----X

Consolidated appeals having been taken by defendants, The City of New York and The New York City Department of Buildings, and by third-party defendant, Sorbara Construction Corp. in the above-captioned actions from orders of the Supreme Court, New York County, entered on or about March 12, 2014 (mot. seq. no. 9 - Action No.1 /mot. seq. no. 11 - Action No. 2) and from an order of the same Court and Justice entered on or about March 11, 2014 (mot. seq. no. 7 - Action No. 3), respectively,

And defendants the City of New York having moved for an enlargement of time to perfect the aforesaid consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 19, 2015,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to 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 19, 2015.

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

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

- - - - -  
Jamie Taylor and Wojtek Scott Krol,  
Plaintiffs,

-against-

M-1237  
**Action No. 1**  
Index No. 114564/09

1765 First Associates, LLC, Leon D.  
DeMatteis Construction Corporation, New York  
Crane and Equipment Corp. and Sorbara  
Construction Corp.,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Richard S. Burch, Shannon Toohey Burch and  
Stuart Flynn Burch,  
Plaintiffs,

-against-

**Action No. 2**  
Index No. 112144/09

1765 First Associates, LLC, Leon D.  
DeMatteis Construction Corporation, New York  
Crane and Equipment Corp. and Sorbara  
Construction Corp., The City of New York,  
and the City of New York Department of  
Buildings,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Vincent Podlaski,  
Plaintiff,

-against-

**Action No. 3**  
Index No. 150166/09

1765 First Associates, LLC, Leon D. DeMatteis  
Construction Corporation, James F. Lomma,  
New York Crane and Equipment Corp., The City  
of New York, New York City Department of  
Buildings, Mattone Group, LLC, Mattone Group  
Construction Co. Ltd., Brady Marine Repair  
Co., Howard I. Shapiro, Howard I. Shapiro &  
Associates Consulting Engineers, P.C., New  
York Rigging Corp., Branch Radiographic Labs,  
Inc., Testwell, Include, Crane Inspection  
Services, Ltd., Lucius Pitkin, Inc., Total  
Safety Consulting, LLC.,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

- - - - -  
Jennifer Kling,  
Plaintiff,

-against-

**Action No. 4**  
Index No. 111967/09

The City of New York, New York Crane &  
Equipment Corp., Sorbara Construction Corp.,  
1765 First Associates LLC and Leon D.  
DeMatteis Construction Corporation,  
Defendants.

-----X  
(And Additional Third-Party Actions)

-----X

-----X

In Re: 91<sup>st</sup> Street Crane Collapse  
Litigation

-----  
Marina Harss, Marco Nistico, Ruby Akin,  
Oguz Akin, Philip Schiffman, Linda McIntyre,  
Michael Fiorentino, Terence Scroope, Travis  
Lull, Renay Loures and George Loures,  
Plaintiffs,

-against-

**Action No. 5**  
Index No. 150152/09

1765 First Associates, LLC, Leon D. DeMatteis  
Construction Corporation, James F. Lomma,  
New York Crane and Equipment Corp., Sorbara  
Construction Corp., The City of New York,  
New York City Department of Buildings,  
Mattone Group, LLC, Mattone Group  
Construction Co. Ltd., Brady Marine Repair  
Co., Howard I. Shapiro, Howard I. Shapiro &  
Associates Consulting Engineers, P.C., New  
York Rigging Corp., Branch Radiographic Labs,  
Inc., Testwell, Include, Crane Inspection  
Services, Ltd., Lucius Pitkin, Inc., Total  
Safety Consulting, LLC.,  
Defendants.

-----X

(And Additional Third-Party Actions)

-----X

Consolidated appeals having been taken by defendants, The  
City of New York and The New York City Department of Buildings,  
and by third-party defendant-appellant, Sorbara Construction  
Corp., in the above-captioned actions from orders of the Supreme  
Court, New York County, entered on or about March 12, 2014 (mot.  
seq. no. 6 - Action No. 2/ mot. seq. no. 12 - Action No. 5) and  
from orders of the same Court and Justice entered on or about  
March 14, 2014 (mot. seq. no. 3 - Action No. 1/ mot. seq. no. 13  
- Action No. 3/ mot. seq. no. 4 - Action No. 4), respectively,

And defendants the City of New York having moved for an  
enlargement of time to perfect the aforesaid consolidated  
appeals,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 19, 2015,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to 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 19, 2015.

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

-----X  
Stephany Hosking,  
Plaintiff-Appellant,

-against-

**M-1371**  
Index No. 157081/13

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

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 30, 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, 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 19, 2015.

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

-----X  
Wardell Richardson,  
Plaintiff-Appellant,

-against-

**M-1433**

Index No. 300498/14

New York City Housing Authority,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 25, 2014,

And plaintiff having moved to "vacate his default in timely perfecting" the aforesaid appeal pursuant to the order of this Court dated February 17, 2015 (M-149),

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 deemed a motion to enlarge time to perfect and, as such, is granted to the extent of enlarging the time to perfect said appeal to the October 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 19, 2015.

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

-----X  
In the Matter of the Application of  
Regina Harper,  
Petitioner,

**M-1619**

For a Judgment Pursuant to Article 78 Index No. 101332/13  
of the Civil Practice Law and Rules,

-against-

New York State Central Register of  
Child Abuse and Maltreatment, et al.,  
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 28, 2014, to review a determination of respondents,

And petitioner having moved for an enlargement of time to perfect the aforesaid 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 the time to perfect the proceeding to the October 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 19, 2015.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Leland G. DeGrasse  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----x  
In the Matter of the Application of  
The State of New York,  
Petitioner-Respondent,

-against-

M-1422  
Index No. 251820/08

Leroy D.,  
Respondent-Appellant.

For Civil Management Under Article 10  
of the Mental Hygiene Law.

-----x  
An order of this Court having been entered on September 23, 2014 (M-2591), inter alia, assigning Marvin Bernstein, Esq., as counsel to prosecute defendant's appeal from the order of the Supreme Court, Bronx County, entered on or about November 18, 2013,

And assigned counsel for respondent-appellant having moved on respondent-appellant's behalf for an order relieving him as assigned counsel and to substitute other counsel to prosecute the appeal, for an enlargement of time to perfect the appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Marvin Bernstein, Esq., as counsel to prosecute the appeal and substituting, pursuant to Section 722 of the County Law, Robert Nicholson, Esq., 26 Court Street, Suite 2003, Brooklyn, NY 11242, Telephone No. 718-938-4152, as such counsel. The poor person relief previously granted is continued, and 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 May 19, 2015.

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

-----x

Alex Grafov,  
Plaintiff-Appellant,

-against-

M-1604

Index No. 110620/08

Chelsea Bicycle Corporation, et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 6, 2012, and said appeal having been perfected,

And defendant-appellant having moved for leave to strike the record on appeal or, in the alternative, for leave to compel plaintiff-appellant to file a new record containing only the notice of appeal dated May 15, 2014, and the respective papers related thereto,

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 permitting defendant-respondent to include this Court's order dated December 9, 2014 (M-4088) and a copy of the instant order, as an appendix to its respondent's brief. The motion is otherwise denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 19, 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-1214  
Ind. No. 2680N/13

Daniel Powell,  
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 April 30, 2014, and for leave to prosecute the appeal and the appeal from the judgment of **resentence** of said Court rendered on or about June 10, 2014 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 notice of appeal from the judgment of said Court rendered on or about April 30, 2014, and permitting the appeal(s) 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal(s). The time within which appellant shall perfect the appeal(s) 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 19, 2015.

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

-----X  
Dormitory Authority - State of  
New York, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

**M-773**

Index No. 403436/06

Samson Construction Co., also known  
as, Sansom Construction Co., Inc.,  
et al.,  
Defendants,

Perkins Eastman Architects, P.C.,  
Defendant-Respondent-Appellant.

-----X  
(And other actions)

Plaintiffs having taken separate appeals from orders of the Supreme Court, New York County, entered on or about March 1, 2013 and on or about October 23, 2013, and said appeals having been perfected; and defendant, Perkins Eastman Architects, P.C., having taken a cross appeal from the order of said Supreme Court, entered on or about March 1, 2013, and said cross appeal having been perfected,

And defendant "Perkins" having moved to strike pages 74 to 82 and pages 100 to 1428 of the record on appeal; to strike those portions of plaintiffs' appellate brief that refer to the appeal from the order entered October 23, 2013, and extending the time by which defendant Perkins has to submit its respondent's brief by an additional 30 days,

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 pages 74 to 82 and pages 1000 to 1428 stricken from the record on appeal. Plaintiffs are directed to withdraw the currently filed appellants' brief and file a new brief without references or arguments with respect to the order entered on October 23, 2013, on or before July 13, 2015 for the September 2015 Term, without further fee; the Clerk is directed to maintain the appeal and cross appeal taken from the order entered on March 1, 2013 on this Court's calendar for said September 2015 Term. Sua sponte, the appeal taken from the order entered on October 23, 2013 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 19, 2015.

Present: Hon. Leland G. DeGrasse, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Hugo Suarez,  
Plaintiff,

-against-

**M-1229**

Index No. 305402/08

Mark A. Greenberg, M.D., et al.,  
Defendants.

-----X

An order of this Court (M-6037/M-6264) having been entered on March 3, 2015, dismissing defendants' direct appeal and dismissing plaintiff's cross appeal,

And defendants having moved for reconsideration of the aforesaid order of this Court, for an enlargement of time to perfect their dismissed direct appeal, and for other 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 only to the extent of granting reconsideration of defendant's motion to enlarge time to perfect their dismissed appeal [M-6037], and upon reconsideration, the motion is denied.

ENTER:

  
CLERK

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

BEFORE: Hon. Luis A. Gonzalez  
Presiding Justice of the Appellate Division

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

M-746  
Ind. No.  
4560/96

-against-

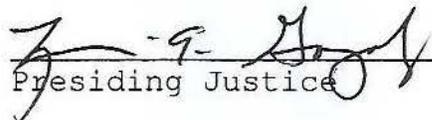
CERTIFICATE  
DENYING LEAVE

Luis Burgos-Santos,

Defendant.

-----X

I, Luis A. Gonzalez, Presiding 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, entered on or about January 6, 2015 is hereby denied.

  
Presiding Justice

Dated: *April 27*, 2015  
New York, New York

ENTERED: **MAY 19 2015**

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,

-against-

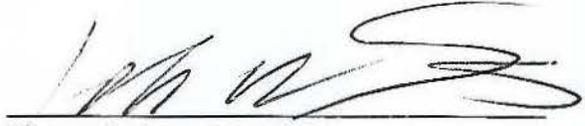
Dennis Watkins,

Defendant.

M-1351  
Ind. Nos. 3991/10  
5135/11  
CERTIFICATE  
DENYING LEAVE

-----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 November 6, 2014 (Patricia Nunez, J.) is hereby denied.

  
Associate Justice

Dated: May 6, 2015  
New York, New York

ENTERED: MAY 19 2015

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-511  
Ind. No. 4854/2003

-against-

ORDER

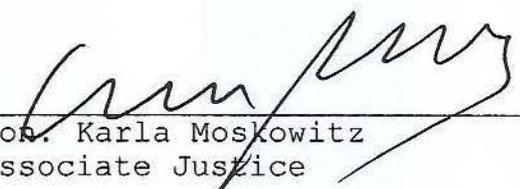
Steven Mears,  
Defendant.  
-----X

An order of a Justice of the Appellate Division, Supreme Court, First Department, having denied defendant's application for leave to appeal to this Court pursuant to Criminal Procedure Law, section 460.15 by certificate entered October 14, 2014 (M-4312),

And defendant having purported to apply for "an extension of time to move for leave to appeal to the Court of Appeals," from the aforesaid order (M-4312), entered on October 14, 2014,

Now upon reading and filing the papers with respect to the purported application, it is

Ordered that the purported application is dismissed, as no such application lies (*People v Little* 6 NY3d 733 [2005]).

  
\_\_\_\_\_  
Hon. Karla Moskowitz  
Associate Justice

Dated: April 24, 2015  
New York, New York

ENTERED: MAY 19 2015

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-639  
Ind. No. 7202/95

-against-

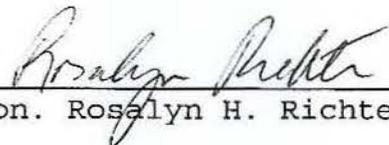
CERTIFICATE  
DENYING LEAVE

Paul Duncan,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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, entered on or about December 16, 2014, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: April 27, 2015  
New York, New York

ENTERED: MAY 19 2015

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-905  
Ind. No. 2869/2014

-against-

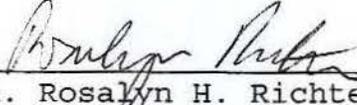
ORDER

Sekou Shutsha A/K/A John Doe,  
Defendant.

-----X

An application having been made by the above-named defendant for leave to appeal to Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about September 2, 2014, denying defendant's motion to dismiss the indictment in the above captioned matter,

Now upon reading and filing the papers with respect to the application, it is ordered that the application is denied, on the ground that no appeal lies from the aforesaid order (see CPL §§ 450.10 and 450.15).

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: April 27, 2015  
New York, New York

ENTERED: MAY 19 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-1463  
Ind. No. 2502/06

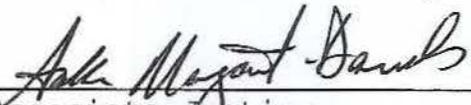
-against-

CERTIFICATE  
DENYING LEAVE

John Hamlett,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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, entered on or about February 20, 2015, is hereby denied. In light of the above, defendant's request for consolidation with the pending direct appeal is denied as moot.

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

Dated: April 29, 2015  
New York, New York

ENTERED: **MAY 19 2015**

P.M ORDERS  
FOR MAY 19,  
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 19, 2015.

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

-----X  
In the Matter of the Application of  
12 Broadway Realty LLC,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-2198**  
of the Civil Practice Law and Rules, Index No. 101384/13

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent-Respondent,

-and-

The 60 East 12<sup>th</sup> Street Tenants'  
Association, et al.,  
Intervenors-Respondents-  
Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2015, and said appeal having been perfected,

And petitioner-appellant having moved for a preference in the hearing of the aforesaid appeal to the extent of placing said appeal on this Court's calendar with its companion appeal, *In the Matter of the Application of The 60 East 12<sup>th</sup> Street Tenants' Association, et al.*, (Index No. 101393/13) 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 the Clerk is directed to place both appeals on this Court's calendar for the same day of the June 2015 Term. The respective parties in said appeals are not permitted to request any additional time for oral argument.

ENTER:

  
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CLERK