

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 October 22, 2015.

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

-----X
Arrowhead Target Fund, Ltd.,
Plaintiff-Respondent,

-against-

Peter Hoffman, et al.,
Defendants-Appellants.

M-3675
Index No. 651481/10

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2013, and from the order and judgment (one paper) of said Court, entered on or about January 30, 2014, respectively,

And an order of this Court entered on December 30, 2014 (M-4352), inter alia, consolidating the aforesaid appeals,

And defendants-appellants having moved for an order withdrawing their appeals, or in the alternative, an enlargement of time to perfect the consolidated appeals,

Now, upon reading and filing the stipulation of the parties hereto, dated July 30, 2015, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X

Ladera, LLC,
Plaintiff-Respondent,

-against-

M-4254X
Index No. 651232/14

Nicholas Parking Corp., Gary Spindler,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 31, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 22, 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-

Kenneth Rivera,
Defendant-Appellant.

M-4266
Ind. Nos. 6822N/02
2568/03

-----X

An appeal having been taken from the judgments of the Supreme Court, New York County, rendered on or about February 18, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 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 October 22, 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-4272
Ind. No. 3100/13

Tory Marone,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 10, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated August 21, 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 October 22, 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-4273
Ind. No. 5573/13

Rodney Webster,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 11, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated August 31, 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 October 22, 2015.

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

-----X
Spielman Koenigsberg & Parker, LLP,
Plaintiff-Appellant,

-against-

M-4571X
Index No. 110954/11

Taxi Club Management, Inc., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 16, 2014 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 17, 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 October 22, 2015.

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

-----X
Batsheva Greenstein, et al.,
Plaintiffs-Respondents,

-against-

M-4572X
Index No. 652231/11

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

-----X
The City of New York, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Third-Party
Index No. 590571/12

United States Figure Skating Association
and Lisa Giordano,
Third-Party Defendants-Appellants.

-----X

Appeals 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" September 18, 2015, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Mildred Turner, as Administratrix of
the Estate of Henry Turner, Deceased,
and Mildred Turner, Individually,
Plaintiffs-Respondents-Appellants,

-against-

M-4444X
Index No. 306816/11

Montefiore Medical Center,
Defendant-Appellant-Respondent.

-----X

A cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 27, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 10, 2015, and due deliberation having been had thereon,

It is ordered that the cross 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 October 22, 2015.

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

-----X
Fredda Goldberg,
Plaintiff-Respondent,

-against-

M-4049
Index No. 300845/14

Andrew Goldberg,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 31, 2015,

And plaintiff-respondent having moved for an order vacating the automatic stay pursuant to CPLR 5519(c),

Now, upon reading and filing the stipulations of the parties hereto, dated September 11, 2015, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn in accordance with the aforesaid stipulation, that defendant-appellant's obligations under a certain Bond are discharged and exonerated; that plaintiff's Emergency Order to Show Cause shall be deemed withdrawn and the interim relief vacated in accordance with the terms of the 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 October 22, 2015.

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

-----X
Janice Huang,
Plaintiff-Appellant,

-against-

M-3714
Index No. 100416/07

The New York City Transit Authority,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 5, 2014,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
The New York State Nurses Association,
Petitioner-Appellant,

-against-

M-4253
Index No. 260956/13

The New York City Health and Hospitals
Corporation,
Respondent-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 16, 2014,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
David Diaz,
Plaintiff-Respondent,

-against-

M-4539
Index No. 307190/11

Citywide Auto Group LLC, et al.,
Defendants-Respondents,

Pilot Cab Corp. and Julio Mendez,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 18, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated September 11, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Administration Proceeding of

Chaim Weisberg,
Deceased.

Chana Weisberg Berkowitz,
Petitioner-Appellant,

-against-

M-4286
Index No. 3470/12

Jannah Geaney,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about April 8, 2014,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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

Jahseal S.,
Kyhahni S.,
Nivek S.,
Malyjah J.S.,
Emahni J.,

M-3609

Docket Nos. NN-36318/14
NN-36319/14
NN-36320/14
NN-36321/14
NN-36322/14

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

Commissioner of Social Services of
the State of New York,
Petitioner-Respondent,

Juanita s.,
Respondent-Appellant.

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

-----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 January 21, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, 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;¹ **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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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 and or Visitation Under
Article 6 of the Family Court Act.

M-3700

Jamal S.,
Petitioner-Appellant,

Docket No. V-14767/12

-against-

Kenneth S., Melba P.,
Respondents-Respondents.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about June 15, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Suite 1510, New York, NY 10007, Telephone No. (212)227-0206, 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;¹ **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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 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,

-against-

Carlos A. Wiltshire,
Defendant.

-----X

M-3957

Ind. Nos. 12071/88
5469/89

A judgment of the Supreme Court, New York County, having been rendered on or about June 27, 1989,

And defendant pro se having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of trial 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 said application 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 October 22, 2015.

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

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

-against-

M-2309
Ind. No. 14998/91

Benjamin Williams,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 2, 1996 (Appeal No. 57750), unanimously affirming a judgment of the Supreme Court, New York County (Edward McLaughlin, J.), rendered on February 24, 1993,

And defendant-appellant, pro se, having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 October 22, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Retention/
Release of

Matthew C.,

M-4259
Index No. 339/15

A Patient Admitted to

Bronx Psychiatric Center.

-----X

Respondent-appellant hospital having moved to stay a certain release order pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 26, 2015,

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

It is ordered that the motion is granted on condition the appeal is perfected for the April 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Maritoni Barnes, as Administratrix
of the Estate of William Barnes,
William Barnes by his mother and
natural guardian Maritoni Barnes
and Maritoni Barnes, Individually,
Plaintiffs-Respondents,

-against-

Metropolitan Transportation Authority,
et al.,
Defendants-Appellants,

-and-

LCM Consulting, Inc. et al.,
Defendants.

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

M-4319
M-4446
Index No. 402315/11

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 3, 2014,

And defendant-appellant Ammann & Whitney Consulting Engineers, P.C., having moved for an enlargement of time to perfect their appeal from the aforesaid order (M-4319),

And The Metropolitan Transportation Authority defendants-appellants having cross-moved for an enlargement of time to perfect their respective appeal (M-4446),

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 appeals to the February 2016 Term. The Clerk of the Court is directed to calendar the appeals to be heard together on the same day of said 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 October 22, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Barbara R. Kapnick, Justices.

-----X

In re Maxine Todd,
Petitioner-Appellant,

-against-

M-3018
Index No. 100518/14

New York City Health and
Hospitals Corporation Office
of Legal Affairs, Claims Division,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 4, 2015 (Appeal No. 15341N),

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 October 22, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-3182
Ind. No. 4504/02

Raymond Ortiz, also known as Carlos Reyes,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 15, 2007 (Appeal No. 825), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on November 30, 2004,

And defendant-appellant, pro se, having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 October 22, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

Dorothy Villalba, et al.,
Plaintiffs-Respondents,

-against-

M-2568
Index No. 115799/06

New York Elevator and Electrical
Corporation, Inc.,
Defendant-Respondent-Appellant,

WSA Management Ltd., et al.,
Defendants-Appellants-Respondents.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 28, 2015 (Appeal No. 14960),

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 October 22, 2015.

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

-----X
Lisa Wolman,
Plaintiff-Respondent-Appellant,

-against-

M-3794
Index No. 306935/09

Eli Shouela,
Defendant-Appellant-Respondent.
-----X

Plaintiff-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 23, 2015 (Appeal No. 15489),

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 October 22, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Judith J. Gische, Justices.

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

-against-

M-2729
Ind. No. 5431N/03

Alberto Polanco,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 2, 2014 (Appeal Nos. 13086/13087), unanimously affirming a judgment of the Supreme Court, New York County (Robert Straus, J.), rendered on May 12, 2005, as amended May 25, 2005,

And defendant-appellant, pro se, having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 October 22, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Seth Mitchell, CFA,
Plaintiff-Appellant,

-against-

M-3254
Index No. 150622/13

New York University ("NYU"), et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant, pro se, having moved for reargument of the decision and order of this Court, entered on June 16, 2015 (Appeal No. 15574),

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 October 22, 2015.

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

-----X
Larry Blumenstyk (Individually)
and Holly Blumenstyk (Individually),
etc., et al.,
Plaintiffs-Appellants-Respondents,

M-4165
Index No. 651018/13

-against-

Henry Singer, et al.,
Defendants-Respondents-Appellants.

-----X

Appeals having been taken by plaintiffs from orders of the Supreme Court, New York County, entered on or about August 7, 2014 and on or about June 3, 2015; and cross appeals having been taken by defendants from the same orders of said Court,

And defendants having moved to dismiss the direct appeal taken by plaintiffs from the aforesaid order entered on or about August 7, 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 and plaintiffs' direct appeal taken from the order entered on or about August 7, 2014 is dismissed. Sua sponte, defendants' cross appeal taken from said order is dismissed. The appeal and cross appeal taken from the order entered on or about June 3, 2015 remain 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 October 22, 2015.

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

-----X
Yellowbrook, Inc., formerly known as
Yellow Book Sales & Distribution
Company, Inc.,
Plaintiff-Respondent,
-against-

M-4255
Index No. 653498/11

Heller & Heller, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about June 10, 2014 and November 5, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the March 2016 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Benjamin Cunningham, et al.,
Plaintiffs-Appellants,

-against-

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

M-4280
Index Nos. 570581/13
94395/09

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 28, 2015,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X
In the Matter of

Alexander T.,
Juan T.,
and Alijah S.,

M-4595

Docket Nos. NA-19762/13
NA-19764/13

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

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

Daniel S.,
Respondent-Appellant-Respondent

Alexander T., Juan T., and
Alijah S.,
Children-Respondents-Appellants.

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

- - - - -
George E. Reed, Jr., Esq.,
Attorney for Children,
Juan T. and Alijah S.

-----X

An appeal having been taken by respondent-appellant-respondent father and a cross appeal having been taken by subject children from an order of the Family Court, Bronx County, entered on or about May 6, 2014,

And children-respondents-appellants Juan T. And Alijah S. having moved to withdraw their cross 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 and the cross appeal is deemed withdrawn. 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 October 22, 2015.

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

-----X

Alea Royal,
Plaintiff-Appellant,

-against-

M-2305
Index No. 100082/12

New York City Housing Authority,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 16, 2015 (Appeal No. 14818),

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 October 22, 2015.

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

-----X

Armand Retamozzo,
Plaintiff-Appellant,

-against-

M-2596
Index No. 113920/09

Diana Friedland, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 16, 2015 (Appeal No. 14813),

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 October 22, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Judith J. Gische, Justices.

-----X

In re The Exoneration Initiative,
Petitioner-Respondent,

-against-

M-3258

Index No. 104004/12

The New York City Police Department,
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on June 11, 2015 (Appeal No. 15375),

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, upon reargument, the decision and order of this Court entered on June 11, 2015 (Appeal No. 15375) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 15375, decided simultaneously herewith.)

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 October 22, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Greenman-Pedersen, Inc., et al.,
Plaintiff-Appellants,

-against-

Berryman & Henigar, Inc., et al.,
Defendants-Respondents.

M-4064
Index No. 403085/09

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 14, 2015 (Appeal No. 14062),

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 October 22, 2015.

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

-----X

Blanca Soltero,
Plaintiff-Respondent,

-against-

M-3234
Index No. 305833/09

City of New York,
Respondent-Appellant.

-----X

Plaintiff-appellant having moved for modification/correction the decision and order of this Court entered on June 9, 2015 (Appeal No. 15347),

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 modifying/correcting the decision and order of this Court entered on June 9, 2015 (Appeal No. 15347) which is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 15347, decided simultaneously herewith.)

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 October 22, 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
Kenneth Howell and Fontayane Mora,
Petitioners,

M-3886
Index No. 100416/14

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

-against-

Shola Olatoye, as Chairman of the
New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about July 24, 2014, to review a determination of respondent,

And an order of this Court having been entered on June 16, 2015 (M-1892), dismissing petitioners' proceeding,

And petitioners having moved for the reinstatement of the dismissed proceeding and for leave to prosecute said proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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 reinstatement of the proceeding, is denied. So much of the motion which seeks poor person relief is denied as moot.

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 October 22, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

In re Alexander Gliklad,
Petitioner-Respondent,

SEALED

-against-

M-3535

Index No. 155518/14

Michael Chernoi, also known as
Michael Cherney, et al.,
Respondents-Appellants.

-----X

Respondent-appellant ERIP LLC 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 June 25, 2015 (Appeal No. 14848),

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 October 22, 2015.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-3784
Ind. No. 979/04

Jose Leon,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 25, 2007 (Appeal No. 50), unanimously affirming a judgment of the Supreme Court, New York County (Marcy Kahn, J.), rendered on December 2, 2004,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 October 22, 2015.

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

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

Angel C., **M-3874**
Petitioner-Appellant, Docket No. V-1498-09/12D

-against-

Nancy V.,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about November 15, 2013,

And respondent-respondent having moved for dismissal 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 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 October 22, 2015.

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

-----X
Business Cards Tomorrow, Inc.,
Plaintiff-Respondent,

-against-

M-3943
Index No. 653272/13

Lloyd Alpert,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about June 16, 2014, for failure to timely perfect,

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 October 22, 2015.

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

-----X
Mercedes Hernandez, individually
and as mother and natural guardian
of Michelle Martinez, an infant,
Plaintiff-Appellant,

-against-

M-3845
Index No. 350468/10

David Cepedes, 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, Bronx County, entered on or about July 3, 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 February 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Christian Achee,
Petitioner-Appellant,

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

M-3878
Index No. 157847/14

-against-

Motor Vehicle Accident Indemnification
Corporation,
Defendant-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 21, 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 February 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Aurelio Malave, Jr.,
Plaintiff-Respondent,

-against-

M-3960
Index No. 302897/11

Sambimana Ciso and Moses Taxi, Inc.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect 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 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 February 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

-----X
Max S. Haywoode, L.P.,
Plaintiff-Appellant,

-against-

M-4087
Index No. 350104/12

Dawn E. Haywoode,
Defendant-Respondent.

-----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 July 29, 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 February 2016 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

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

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

-against- M-3785
Ind. No. 3523/11
Kimada Dixon, Case No. 58855C/11
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 3, 2013, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before January 4, 2016 for the March 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned to the Clerk's Office of this Court.

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 October 22, 2015.

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

-----X

In the Matter of the Application of
Olivia Rosenfeld,
Petitioner-Appellant,

M-3929
Index No. 100598/13

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

-against-

Michael C. Fina, Inc.,
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about March 17, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2016 Term, with no further enlargements to be granted.

ENTER:


CLERK

P.M. ORDERS
FOR
OCTOBER 22,
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 October 22, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
Alberto Felfle and Nuba Felfle,
Plaintiffs-Respondents,

-against-

M-4805
Index No. 107675/07

Schindler Elevator Corporation,
et al.,
Defendants-Respondents,

-and-

Hachette Book, Group USA,
Defendant-Respondent-Appellant,

-and-

Quantum Technologies,
Defendant,

-and-

MBC Technologies,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 11, 2015,

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

It is ordered that the motion is denied.

ENTER:

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 October 22, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Karla Moskowitz, Justices.

-----X

Joao Izarias,
Plaintiff-Respondent,

-against-

M-4887
Index No. 108353/11

New York Convention Center Operating Corporation, et al.,
Defendants,

Tishman Construction Company of New York,
Defendant-Appellant.

- - - - -

New York Convention Center Operating Corporation,
Third-Party Plaintiff,

-and-

Tishman Construction Company of New York, Index No. 590026/12
Third-Party Plaintiff-Appellant,

-against-

Newport Painting & Decorating Co., Inc.,
Third-Party Defendant-Respondent.

- - - - -

Newport Painting & Decorating Co., Inc.,
Second Third-Party Plaintiff-Respondent,

-against-

Index No. 590595/13

Total Safety Consulting, L.L.C.,
Second Third-Party Defendant-Respondent.

- - - - -

(And other actions)

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about October 10, 2014 (mot. seq. no. 003) and December 15, 2014 (mot. seq. no. 005),

And defendant-appellant Tishman Construction Company of New York having moved for an order staying the trial in the above-entitled actions, pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 22, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Karla Moskowitz, Justices.

-----x

San Diego Gas & Electric Company,

Petitioner-Respondent,

-against-

M-4964

Index No. 150017/15

Morgan Stanley Senior Funding, Inc.,

Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 17, 2015,

And respondent-appellant having moved for a stay of enforcement of the judgment, including the order directing respondent to produce certain documents, 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.

ENTER:


CLERK