

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 April 12, 2016.

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

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

-against-

M-1394  
Ind. No. 892/14

Harrison Burch,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 27, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated March 9, 2016, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 12 2016.

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

-----X  
Robinson Brog Leinwand Green  
Genovese & Gluck, P.C.,  
Plaintiff-Appellant,

-against-

M-1401  
Index No. 154166/15

Asia TV USA Ltd.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 27, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 14, 2016, 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It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Paul George Dakari H.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law.

**M-219**  
Docket No. B-7090/14

-----  
Graham Windham Services to Families and Children,  
Petitioners-Respondents,

Yvonne H.,  
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, Bronx County, entered on or about December 4, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York 11753, Telephone No. (516) 942-4221, 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:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Giulio D.,  
and Simona B.,

**M-383**

Docket Nos. B-41098/14  
B-41099/14

Children Under 18 Years of Age  
Pursuant to §384-b of the Social  
Services Law.

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

Sylvia L.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, both entered on or about December 23, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York 11753, Telephone

No. (516) 942-4221, 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Izabela S.,

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

**M-772**  
Docket No. NA-40194/14

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

Randy S.,  
Respondent-Appellant,

Angelica A.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 8, 2016, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal;

(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:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Josee Louise H.,

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

**M-970**  
Docket No. N-49278/12

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

Petitioner-Respondent,

Decarla L.,  
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 December 3, 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;<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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Ja'Vaughn Kiaymonie S.,

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

**M-979**  
Docket No. NN-36791/14

- - - - -

Administration for Children's Services,  
Petitioner-Respondent,

Nathaniel 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 May 19, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal; (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:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

- - - - -  
Rhina M. M.,  
Petitioner-Respondent,

**M-981**  
Docket No. 0-32391/15

-against-

Sandy M. M.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, both entered on or about February 2, 2016, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 419-8407, 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:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Shyann Jael S.,  
and Tyler Pierceton S.,

Dependent Children Under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law.

**M-1012**

Docket Nos. B-21091-2/12

-----  
Edwin Gould Services for Children  
and Families,  
Petitioners-Respondents,

Nicole Jael L.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about September 11, 2015 and on or about January 6, 2016, 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, Neal D. Futerfas, Esq., 50 Main

Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal; (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:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Jayden H.,  
and Xavier H.,

**M-1025**

Docket Nos. NN-24721-2/13

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

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

Gregorio H.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, both entered on or about December 9, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal;

(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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.,  
Rolando T. Acosta, Justices.

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

Rosa M.,  
Petitioner-Appellant,  
  
-against-

Francisco P.,  
Respondent-Respondent.

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

**M-718**  
Docket Nos. V-30127/16  
V-30128/16  
V-30747/16  
V-30746/16  
V-32544-11/16A  
V-32545-11/16A

-----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 4, 2016, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York, 11753, Telephone No. (516)942-4221, 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-1112, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

- - - - -  
Rosa M.,  
Petitioner-Appellant,  
  
-against-

**M-1112**  
Docket Nos. V-30127/16  
V-30128/16  
V-30747/16  
V-30746/16  
V-32544-11/16A  
V-32545-11/16A

Francisco P.,  
Respondent-Respondent.  
- - - - -

Larry S. Bachner, Esq.,  
Attorney for the Child.  
-----X

Deborah Nadler, Esq., Family Court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about February 4, 2016, 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, 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; (2) permitting movant to respond to the appeal upon a

reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-718, 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".

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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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Ashantae H.,  
and Savanah Y.,

**M-423**

Docket Nos. NN-27067/14  
NN-27068/14

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

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

Shelly H.,  
Respondent-Appellant.

- - - - -  
Kenneth M. Tuccillo, Esq.,  
Attorney for the Children.

-----X  
  
Michelle Stevenson, Esq., Family Court attorney for the subject child, having moved on behalf of the subject children, for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 2, 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, Kenneth M. Tuccillo, Esq.,

591 Warburton Avenue, # 576, Hastings on Hudson, NY 10706,  
Telephone No. (914) 439-4843, as counsel for purposes  
of responding to the appeal; (2) permitting movant to respond  
to the appeal upon a reproduced respondent's brief, on condition  
that one copy of such brief be served upon the attorney for  
petitioner-appellant and 8 copies thereof are filed with this  
Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application for  
the Guardianship and Custody of

Zaya Faith Tamarez Z.,  
also known as Zia Z.,

A Dependent Child Under 18 Years of  
Age Pursuant to §384-b of the Social  
Services Law of the State of New York.

- - - - -  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

**M-977**  
Docket No. B-21270/12

Madelyn Enid T., also known as  
Madellyn Enid T.,  
Respondent-Appellant,

Erady Z.,  
Respondent-Appellant.

- - - - -  
Kenneth M. Tuccillo, Esq.,  
Attorney for the Child.

-----X  
Veronica H. Mandel, Esq., Family Court attorney for  
the subject child having moved on said child's behalf for leave  
to respond, as a poor person, to the appeal from orders of the  
Family Court, Bronx County, both entered on or about June 11,  
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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hasting on Hudson, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal on the child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

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

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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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Justin C.,  
Enzo P.,  
Abigail P.,  
Wellington D., Jr.,  
and Matthew L.,

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

-----

Administration for Children's Services,  
Petitioners-Respondents,

**M-1020**  
Docket Nos.  
NN-14705-09/12

Berly P.,  
Respondent-Appellant,

Zeneida A.,  
Respondent-Respondent.

-----

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

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the orders of the Family Court, New York County, entered on or about March 31, 2014 and on or about August 11, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with 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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Anthony Yehudah S.,  
Natalie H.,  
Amya S.,  
Sania S.,  
and Patrice H.,

**M-1081**  
Docket Nos. NA-23487/13  
NA-23488/13  
NA-23489/13  
NA-23490/13  
NA-23491/13

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

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

-against-

Marcia McG-W.,  
Respondent-Appellant.

- - - - -  
Lewis S. Calderon, Esq.,  
Attorney for the Child  
Anthony Yehudah S.,

Beatrice Mayol, Esq.,  
Attorney for the Child Natalie H.,

Patricia Moreno, Esq.,  
Attorney for the Child Sania S.,

Aleza Ross, Esq.,  
Attorney for the Child Amya S.,

Dana Stricker, Esq.,  
Attorney for the Child Patrice H.

-----X

Harold Myerson, Esq., Family Court attorney for subject child Anthony Yehudah S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about September 11, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with 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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

- - - - -  
Jamal S.,  
Petitioner-Appellant,

**M-1255**  
Docket No. V-14767/12

-against-

Melba P.,  
Respondent-Respondent,

Kenneth S.,  
Respondent-Respondent.

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

-----X

Respondent Kenneth S. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031,

Telephone No. (347) 645-6660, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

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

---

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 April 12, 2016.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-675  
Ind. No. 500/86

Luis Medina,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 4, 1989 (Appeal No. 34500), affirming a judgment of the Supreme Court, New York County (Alfred Kleiman, J.), rendered on January 5, 1987,

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 April 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Arie Genger, et al.,  
Plaintiffs,

-against-

M-655  
Index No. 651089/10E

Sagi Genger, et al.,  
Defendants.

- - - - -

Sagi Genger, etc., et al.,  
Cross-Claimants Counterclaimants  
and Third-Party Claimants,

Sagi Genger, etc.,  
Cross-Claimant, Counterclaimant and  
Third-Party Claimant-Appellant,

-against-

Arie Genger, et al.,  
Cross-Claim, Counterclaim and/or  
Third-Party Defendants,

Trans-Resources, Inc.,  
Cross-Claim, Counterclaim and/or  
Third-Party Defendant-Respondent.

-----X

Third-party counterclaimant-appellant Sagi Genger 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 January 7, 2016 (Appeal No. 16585),

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 April 12, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe, Justices.

-----X

David Friedman as agent for Helaine Friedman,

Plaintiff-Respondent,

-against-

**M-5294**

Index No. 24793/13E

The Hebrew Home for the Aged at Riverdale,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 6, 2014,

And, a decision and order of this Court having been entered on August 11, 2015 (Appeal No. 15249N), reversing the aforesaid order of the Supreme Court,

And, the New York State Trial Lawyers Association having moved for an enlargement of time to submit an amicus affidavit and for it to be accepted and considered on the motion to reargue or for leave to appeal to the Court of Appeals,

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

It is ordered that the motion is granted, and New York State Trial Lawyers Association is directed to serve and file 9 copies of the aforesaid affidavit amicus curiae with the Clerk of this Court forthwith.

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 April 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
Jannifer Ju, as Trustee for Jardin  
Solution Corp. Retirement Plan,  
Plaintiff-Respondent,

-against-

Dreambuilder Investments, LLC,  
Defendant-Appellant.

M-1078  
Index No. 158707/15

-----X

Plaintiff-respondent having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about September 21, 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 and the appeal is dismissed. The stay granted by order of this Court entered January 19, 2016 (M-5740) is hereby vacated.

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 April 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X  
Jane H. Goldman, Allan H. Goldman,  
Amy P. Goldman, and Diane Goldman Kemper  
as Executors for the Estate of Lillian  
Goldman and The Lillian Goldman Family,  
LLC,  
Petitioners-Landlords-Appellants,

-against-

M-1050  
Index No. 570069/15

Adam Davis,  
Respondent-Tenant-Respondent,

-and-

"John Doe" and "Jane Doe",  
Respondents-Undertenants.

-----X

Respondent-tenant Adam Davis 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 September 17, 2015, and for a stay of eviction pending hearing and determination of said appeal,

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

It is ordered that the motion is denied. The interim stay of eviction is continued for 5 days following service of this Court's order, with notice of entry.

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 April 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Old Republic Insurance Company,  
directly and as subrogee of STS Steel,  
Inc.,  
Plaintiff-Appellant,

-against-

M-693  
Index No. 155995/12

United National Insurance Company,  
Defendant-Respondent.

-----X

Defendant-respondent 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 January 28, 2016 (Appeal No. 66),

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 April 12, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Barbara R. Kapnick, Justices.

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

-against-

M-399  
Ind. No. 3866/11

Hollis Hosear,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 29, 2015 (Appeal No. 16453),

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 April 12, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Rosenbaum, Rosenfeld & Sonnenblick, LLP,  
et al.,  
Plaintiffs-Respondents,

-against-

Excaliber Group NA, LLC,  
Defendant-Respondent,

M-320  
Index No. 150083/14

A Superior Service and Repair Co. Inc.,  
Defendant-Appellant,

-and-

Home Systems Engineering, Inc., et al.,  
Defendants.

-----X  
The Travelers Indemnity Company of  
Connecticut, as subrogee of Rosenbaum,  
Rosenfeld, Sonnenblick, LLP,  
Plaintiff-Respondent,

-against-

A Superior Service and Repair Co. Inc.,  
Defendant-Appellant,

ACTION NO. 1  
M-321  
Index No. 150153/11

Excalibur Group NA LLC,  
Defendant-Respondent,

-and-

Home Systems Engineering, Inc.,  
Defendant.

-----X

-----X  
 Federal Insurance Company, as subrogee  
 of Rosenbaum, Rosenfeld, Sonnenblick,  
 LLP,  
 Plaintiff-Respondent,

-against-

A Superior Service and Repair Co. Inc.,  
 Defendant-Appellant,

ACTION NO. 2  
 Index No. 150405/13

Excalibur Group NA LLC,  
 Defendant-Respondent,

-and-

Home Systems Engineering, Inc.,  
 Defendant.

-----X

Appeals having been taken in the aforesaid actions by  
 "A Superior Service and Repair Co. Inc.", from orders of Supreme  
 Court, New York County, entered on or about April 16, 2015 and  
 on or about May 13, 2015,

And, said appellant having moved by separate motions for  
 enlargements of time to perfect the appeals (M-320/M-321),

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  
 enlarging the time to perfect the aforesaid appeals to the  
 October 2016 Term. The Clerk is directed to calendar said  
 appeals together for the same day of said October 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 April 12, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
125-127 Allen St. Associates,  
Petitioner-Appellant,

-against-

Mei Jaio Lin,  
Respondent-Respondent.

M-814  
Index No. 570635/14

-----X

Petitioner-landlord-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 October 20, 2015,

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

It is ordered that the motion is 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 April 12, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
Elizabeth Kee,  
Plaintiff-Appellant,

-against-

Norfolk Development LLC, et al.,  
Defendants-Respondents.

M-962  
Index No. 157288/14

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about November 20, 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 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 April 12, 2016.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
David B. Saxe  
Rosalyn H. Richter  
Marcy L. Kahn, Justices.

-----X  
Bank of America, N.A., successor  
by merger to BAC Home Loans Servicing,  
LP, formerly known as Countrywide  
Home Loans Servicing LP,  
Plaintiff-Respondent,

**M-1152**  
Index No. 35173/13

-against-

Aletha Angel,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 15, 2014,

And, defendant-appellant having moved for relief in the nature of an order disqualifying counsel for plaintiff,

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 April 12, 2016.

PRESENT - Hon: David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

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

-against-

M-750  
Ind. No. 2948/08

Bevon Burgan,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 17, 2014,

And defendant-appellant having moved for an order unsealing the sentencing minutes of appellant's co-defendant, Pierre Hunt, or that this Court view the aforementioned sentencing minutes in camera under Bronx Co. Ind. No. 2948/08,

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 that the aforementioned sentencing minutes of appellant's co-defendant, Pierre Hunt be reviewed by this Court in camera and adjourning the perfected appeal of defendant Bevon Burgan along with and the perfected appeal of defendant Allen Doran to the June 2016 Term of this Court. The Clerk of this Court is directed to calendar the appeals for argument on the same date, under Bronx Co. Ind. No. 2948/08.

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 April 12, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter, Justices.

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

-against-

Rodney Lee,  
Defendant-Appellant.

M-819  
Ind. Nos. 3604N/12  
864/11

-----X

Respondent People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2013,

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

It is ordered that the motion is granted 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 April 12, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Nexbank, SSB,  
Plaintiff-Respondent,

-against-

**M-1294**

Index No. 652072/13

Jeffrey Soffer and Jacquelyn Soffer,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 4, 2015, and said appeal having been perfected.

And plaintiff-respondent having moved for leave to enlarge the record on appeal,

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

Ordered that the motion is granted to the extent of granting plaintiff leave to file 9 copies of a supplemental record in the form annexed to the motion papers as Exhibit A, such supplemental record to be filed immediately. Sua sponte, the appeal is adjourned to the June 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 April 12, 2016.

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

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

-against-

M-741  
Ind. No. 5412/14

Dmitriy Yefimov,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 2, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X  
Jacob Gottlieb,  
Plaintiff-Appellant-Respondent,

-against-

M-990  
Index No. 311197/12

Alexandra Lumiere Gottlieb,  
Defendant-Respondent-Appellant.

-----X

Defendant-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 January 28, 2016 (Appeal No. 13419),

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 April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Latipac Corp.,

Plaintiff-Appellant-Respondent,

-against-

BHM Realty, LLC and Greenblatt &  
Agulnick, P.C.,

Defendants-Respondents-Appellants.  
-----X

**M-763**

**M-1169**

Index 101213/09

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 27, 2015,

And, plaintiff having moved for an enlargement of time to perfect its appeal (M-763),

And, defendants having moved for an enlargement of time to perfect their appeal (M-1169),

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 enlarging the time to perfect plaintiff's appeal to the September 2016 Term; and deeming defendants' appeal a cross appeal and directing the parties to file a joint record on appeal for said September 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 April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Tynia Smith,

Plaintiff-Respondent,

-against-

Francis V. Rudolph, et al.,

Defendants-Appellants.  
-----X

**M-1075**

Index No. 302983/09

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about May 13, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 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 April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

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

-against-

Jermaine Haywood,  
Defendant-Appellant.

**M-1099**

Ind. Nos. 5223/14  
2605N/13

-----X

An order of this Court having been entered on December 1, 2015 (M-5325) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York NY 10007, Telephone No. (212) 402-4142, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
The People of the State of New York  
ex rel. Titus McBride,  
Petitioner-Appellant,

-against-

**M-1125**

Index No. 101147/15

Warden Karen Collins, New York City  
Department of Corrections, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from an order of Supreme Court, New York County, entered on or about July 21, 2015, and said appeal having been perfected,

And, petitioner-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Kapil Jain,  
Petitioner-Appellant,

For an Order and Issuance of a Writ of Prohibition to CPLR 7803(2), **M-1184**  
Index No. 102221/15

-against-

Hon. Adetokunbo Fasanya, A Justice of the Family Court, New York County,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about February 26, 2016, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
James M. Rae,  
Plaintiff-Appellant,

-against-

**M-1247**

Index No. 101491/12

Stanton Chase of NY, Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 27, 2015,

And plaintiff-appellant having moved for leave to file a corrected appellant's brief which connects scrivener's errors as set forth in plaintiff's affidavit,

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 plaintiff-appellant is directed to serve and file 9 copies of the corrected appellant's brief on or before April 15, 2016 and, sua sponte, adjourn the appeal to the June 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 April 12, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Rafael Concepcion, deceased, by  
Administrator, Neil Concepcion,  
Plaintiff-Respondent,

-against-

**M-1051**  
Index No. 16298/07

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

-and-

Michael Weitzen, D.O.,  
Defendant-Appellant.

-----X  
The City of New York and James  
Williams,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 42091/08

St. Barnabas Hospital, et al.,  
Third-Party Defendants,

-and-

Michael Weitzen, D.O.,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 20, 2015, and said appeal having been perfected,

And defendant/third-party defendant-appellant having moved for an order staying the trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

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 April 12, 2016.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Karla Moskowitz, Justices.

-----X  
Kathleen Carmody,  
Plaintiff-Appellant,

-against-

208-210 East 31<sup>st</sup> Realty, LLC,  
Defendant-Respondent.

M-719  
Index No. 156818/14

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on January 12, 2016 (Appeal No. 16618N),

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 April 12, 2016.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Paul G. Feinman, Justices.

-----X

Bilal A. Kone,  
Plaintiff-Respondent,

-against-

M-1021  
Index No. 653082/11

Garden State Life Insurance Company,  
Defendant-Appellant.

-----X

Defendant-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 February 4, 2016 (Appeal No. 101),

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

P.M. ORDERS  
FOR  
APRIL 12,  
2016

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 April 12, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
Franklin Credit Management Corporation,  
Plaintiff-Appellant,

-against-

**M-4880**  
Index No. 380345/12

Theresa Striano Revocable Trust,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2015,

And, an order of a Justice of this Court, dated October 2, 2015, granting plaintiff-appellant an interim stay prohibiting the Receiver, his agents or employees from entering the premises, collecting rents at the premises or otherwise interfering with the possessory rights to use the premises of 5 Boro Enterprises Group, LLC; directing all third parties to pay rent to 5 Boro; and authorizing 5 Boro to upgrade the heating system of the premises and to improve, maintain and update the premises,

And, plaintiff-appellant having moved for a permanent injunction staying the Receiver with respect to the aforesaid conditions set forth in the interim relief dated October 2, 2015,

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

Ordered that the motion is granted.

ENTER:

  
CLERK