

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 February 18, 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-406
Ind. No. 636/12

Kashmisha Monroe,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 23, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated January 19, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 18, 2016.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-90
Ind. No. 2058/12

Brenda Hernandez,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for dismissal, as abandoned, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 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It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 February 18, 2016.

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

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

-against-

M-144
Ind. No. 2533/13

Alexis Sanchez,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for dismissal, as abandoned, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 26, 2014,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 February 18, 2016.

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

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

-against-

M-6298
Ind. No. 382N/15

Danny Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 29, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

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

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

-against-

M-6339
Ind. No. 1493/15

DeSean Irby,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 13, 2015, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 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-6419
Ind. No. 2075/12

Alvin Jennette,
Defendant-Appellant.

-----X

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

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 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-6420
Ind. No. 5603/10

Nolber Quinones,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Sonberg, J.), entered on or about December 18, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

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

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

-against-

M-150
Ind. No. 5537/14

Nicholas Laray,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 7, 2015,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

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 February 18, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5514
Ind. No. 1979/09

Marcus King,
Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about August 13, 2015, 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 (1) 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 the People and 8 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the June 2016 Term. (See M-5588 and M-5799, 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 February 18, 2016.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5588
Ind. No. 1979/09

Marcus King,
Defendant-Appellant.
-----X

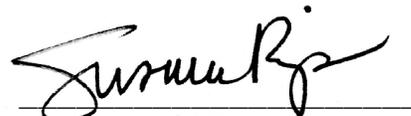
An order of this Court having been entered on March 27, 2012 (M-467), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 11, 2012, under Indictment No. 1979/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of resentence of said Court rendered on or about October 29, 2015,

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

It is ordered that said motion is granted to the extent of amending the order of assignment to include the judgment of resentence rendered on or about October 29, 2015, and extending the poor person relief previously granted to cover same. (See M-5514 and M-5799, 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 February 18, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Karla Moskowitz, Justices.

-----x

The People of the State of New York,

Respondent,

-against-

M-5799
Ind. No. 1979/09

Marcus King,

Defendant-Appellant.

-----x

Defendant-appellant having moved, through assigned counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about January 11, 2012, and from the judgment of resentence of said Court rendered on or about October 29, 2015, 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 appeal to the June 2016 Term. (See M-5588 and M-5514, 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 February 18, 2016.

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

-----X
Eric Privette,
Plaintiff-Appellant-Respondent,

-against-

Precision Elevator, etc.,
Defendant-Respondent-Appellant,

-and-

M-6470
M-24
Index No. 13587/07

Global Elevator, et al.,
Defendants,

260-261 Madison Avenue, LLC, et al.,
Defendants-Respondents.

- - - - -
[And other actions.]

-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about March 6, 2015 and March 20, 2015, respectively,

And defendant, Precision Elevator, having moved for an enlargement of time to perfect its appeal taken from the order entered on or about March 20, 2015 (M-6470),

And plaintiff, Eric Privette, having moved for an enlargement of time to perfect its appeal from the order entered on or about March 6, 2015 (M-24),

Now, upon reading and filing the papers with respect to the motions, 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 respective appeals to the June 2016 Term, with no further enlargements to be granted. The Clerk is directed to calendar the appeals for hearing together in said 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 February 18, 2016.

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

-----X
Michael Derin,
Petitioner-Appellant,

-against-

M-6461
Index No. 100763/14

Division of Housing and Community
Renewal, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about March 25, 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 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 February 18, 2016.

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

-----X
Athlyn Williams,
Plaintiff-Appellant,

-against-

M-115
Index No. 300091/09

River Place II LLC, 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 March 12, 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 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 February 18, 2016.

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

-----x
Neil Power and N. Power Painting, Inc.,
Plaintiffs-Respondents,

-against-

M-6422
M-54
Index No. 21195/11

Darren Henault Interiors, Inc.,
Defendant,

-and-

Duce Construction Corp.,
Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 5, 2015 (M-6422),

And plaintiffs-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely prosecute, or for other relief (M-54),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2016 Term (M-6422). The cross motion is denied (M-54).

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 February 18, 2016.

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

-----X
Lawrence Williams, et al.,
Plaintiff,

-against-

M-6276
Index No. 305691/08

Andres Perez, et al.,
Defendants.

- - - - -
Gary Drummond,
Plaintiff-Appellant,

-against-

Index No. 310192/10

Andres Perez, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 3, 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 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 February 18, 2016.

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

-----X
Karen Simons,
Plaintiff-Respondent,

-against-

M-93
Index No. 158843/13

Petrarch LLC, doing business as
Electrum and Hicham Aboutaam,
Defendants-Appellants.

-----X

Defendants-appellants 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 February 26, 2015,

Now, upon reading and filing the papers with respect to the motion, including the stipulation dated December 24, 2015, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the November 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 February 18, 2016.

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

-----X
Michael Offit, et al.,
Plaintiffs-Appellants,

-against-

Julian Maurice Herman,
Defendant-Respondent.

-----X

SEALED

M-5559

Index No. 157768/14

Plaintiffs-appellants having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 1, 2015 (Appeal No. 15757),

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 February 18, 2016.

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

-----X
City Trading Fund, et al.,
Plaintiffs-Appellants,

-against-

M-331
Index No. 651668/14

C. Howard Nye, et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about January 22, 2015, and from the order of said Court entered on or about January 9, 2015, respectively, and said appeal having been perfected,

And defendants-respondents having moved for this Court to take judicial notice of a Business Certificate filed with the Queens County Clerk's Office, attached as Exhibit A. to the moving papers,

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 taking judicial notice of the aforesaid Business Certificate, and defendants-respondents are directed to promptly file 9 copies of the Business Certificate, with the Court, to be considered in the determination of the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

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

-----X
David Gitel, as Executor of the
Estate of:

Steven V. Jakuboski, Deceased,
Petitioner-Respondent,

-against-

John Jakuboski, Jr.,
Respondent-Appellant.

M-145
Surrogate's Court
File No. 3542/14B

-----X

Respondent-appellant, pro se, having moved for a stay of eviction proceedings pending hearing and determination of the appeal taken from an order of the Surrogate's Court, New York County, dated December 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 granted on condition respondent continue to pay monthly maintenance. The interim relief granted by a Justice of this Court, dated January 11, 2016, staying the eviction proceeding pending hearing and determination of the appeal, is continued herein but will be vacated should respondent-appellant fail to make any maintenance payments.

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 February 18, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Judith J. Gische, Justices.

-----X

In re Lidya Radin,
Petitioner,

-against-

M-5776
Index No. 250824/15

Hon. Kenneth L. Thompson, Jr.,
etc., et al.,
Respondents.

-----X

An order of this Court entered December 8, 2015 (Appeal No. 16360) denying and dismissing an Article 78 proceeding,

And petitioner having moved for an order striking Assistant Attorney General Michael Berg's opposition to nonparty Michael Krichevsky's motion to intervene,

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 February 18, 2016.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
David B. Saxe
Barbara R. Kapnick, Justices.

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

-against-

M-417
Index No. 653199/11

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

-and-

Liberty Insurance Underwriters,
Defendant-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 May 30, 2014, and said appeal having been perfected,

And plaintiffs-respondents having moved for leave to file a supplemental brief in opposition to an amicus curiae brief filed by Greenwich Insurance Company,

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, without prejudice to plaintiffs-respondents addressing issues raised by the amicus curiae brief at oral argument.

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 February 18, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
In the Matter of

Davon D.,

CONFIDENTIAL

M-177

Docket Nos. B-1690/13
G-8015/15

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

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

Rita P.,
Respondent-Appellant.

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

-----X
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 21, 2015,

And counsel for respondent-appellant having moved to withdraw as counsel for respondent-appellant and to withdraw 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, counsel is permitted to withdraw, and the appeal is deemed withdrawn.

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 February 18, 2016.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
Alston Fergusson,
Plaintiff-Respondent,

-against-

M-6056
Index No. 115722/09

Keith Downer,
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about September 4, 2012 and October 1, 2012 and from the judgment of said Court, entered on or about July 1, 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 denied. Sua sponte, the appeals from both orders and the judgment are 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 February 18, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Petition of the Public Administrator
of the County of New York as Temporary
Administrator of the Estate of

Ismael Ramirez,

To Declare Null and Void a Deed Dated
May 8, 2008 and for Related Relief
Pursuant to SCPA 2103.

M-6481
File No. 4276/08

-----X

Public Administrator of the County of New York having moved to dismiss the appeal from the order of the Surrogate's Court, New York County, entered on or about August 28, 2014,

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

It is ordered that the motion is granted 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 February 18, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of

Deidre Hart & Ronald Hart,
Petitioners,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-6306
Index No. 401094/14

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

Respondent having moved to dismiss the transferred proceeding from the order of the Supreme Court, New York County, entered on or about February 4, 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 proceeding is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-6450
Ind. No. 1859N/14

Constantin Hernandezgonza,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 18, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

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

-----X
In the Matter of

Lovall J.,

M-53
Docket No. NN-21086/13

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

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

Mirtello J.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on October 2, 2014 (M-2766) assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal from the order of the Family Court, New York County, entered on or about April 29, 2014; and a motion having been made to relieve such counsel, and to withdraw 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, with leave to renew, upon submission of a death certificate for the respondent-appellant.

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 February 18, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Judith J. Gische, Justices.

-----x

J.P. Morgan Mortgage Acquisition Corp.,
Plaintiff-Respondent,

-against-

M-437
Index No. 651097/14

Empire Land Services Corp.,
Defendant-Appellant,

-and-

North Shore Financial Inc., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 12, 2014, and said appeal having been perfected,

And defendant-appellant having moved for leave to withdraw 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 withdrawn.

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 February 18, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Paul G. Feinman, Justices.

-----X
Tower Insurance Company of New York,
Plaintiff-Appellant,

-against-

M-34
Index No. 115759/10

Shaptom Realty Corp., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 26, 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 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 February 18, 2016.

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

-----x
TYT East Corp., et al.,
Plaintiffs,

-and-

Hui Sheng Lin, etc.,
Plaintiff-Appellant,

-against-

M-6428
Index No. 601029/10

Michael Lam, et al.,
Defendants,

-and-

David Gao,
Defendant-Respondent.

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 24, 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 June 2016 Term, with leave to seek a further enlargement, if necessary.

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 February 18, 2016.

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

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

-against-

M-6466
Ind. No. 2998/10

Michael Carsey,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 17, 2012,

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 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 February 18, 2016.

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

-----X
In the Matter of

Jayden S.,

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

M-5651
Docket No. N44984/14

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

Shalea S.,
Respondent-Appellant.

-----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 October 6, 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

It is ordered that the motion is denied, with leave to renew, upon respondent-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of respondent-appellant's retainer agreement with counsel for the Family Court proceedings, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by respondent-appellant.)

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 February 18, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Paul G. Feinman, Justices.

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

-against-

Salvatore Rinaldi,
Defendant-Appellant.

M-80
Ind. Nos. 3634/14
5582/13

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2015,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

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 February 18, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

Scott Mondrow,
Petitioner-Appellant,

-against-

Days Inns Worldwide, Inc., et al.,
Respondents,

Beverley Hotel Associates, LLC,
et al.,
Respondents-Respondents.

M-5457
M-5576
Index No. 570134/14

-----X

Petitioner-appellant Scott Mondrow 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 August 18, 2015 (M-5457),

And respondents-respondents Beverley Hotel Associates, LLC, et al., having cross-moved for the same relief (M-5576),

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 (M-5457) and cross motion (M-5576) are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 18, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Vincent Joseph Melapioni, Jr.,
Plaintiff-Appellant,

-against-

M-6185
Index No. 111974/11

Lisa Melapioni, now known as
Lisa Astorino,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 12, 2015 (Appeal No. 16108),

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 February 18, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
In re Diamond B.,

A Person Alleged to be a Juvenile M-5477
Delinquent, Docket No. D-31053/13

Appellant.

- - - - -
Presentment Agency.
-----X

Appellant having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on September 29, 2015 (Appeal No. 15710),

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 February 18, 2016.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Judith J. Gische, Justices.

-----X
Joseph Sahid,
Petitioner-Appellant,

-against-

M-278
Index No. 158204/14

1065 Park Avenue Corporation,
et al.,
Respondents-Respondents.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 20, 2015, and said appeal having been perfected,

And respondents having moved for leave to supplement 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 directing respondents to file a supplemental appendix consisting of the documents set forth as Exhibits A, B and C to the moving papers, on or before March 21, 2016 for the June 2016 Term, to which Term the appeal is adjourned.

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 February 18, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

In the Matter of Diana Margot G.,

An Incapacitated Person

M-316

Index No. 92502/08

-----X

Appellant/co-property guardian having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 16, 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 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 February 18, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Eileen Stein,
Plaintiff-Appellant,

-against-

M-6460
Index No. 104943/11

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

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 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 granted to the extent of enlarging the time to perfect 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 February 18, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Doris Skisdopolus,
Plaintiff-Respondent,

-against-

M-5927
Index No. 103169/11

Jacqueline Edwards and Jason Megson,
Defendants-Appellants,

Akam Associates, Inc., et al.,
Defendants.

-----X

Defendants-appellants having moved for an order staying all proceedings, including a pre-trial conference, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 20, 2015 (mot. seq. no. 003),

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 February 18, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----x
Destiny H., an infant by her mother
and natural guardian Carmen Joaquin,
and Carmen Joaquin, individually,
Plaintiffs-Respondents,

-against-

M-6434
Index No. 21822/12E

Richard DeVeaux, M.D., et al.,
Defendants-Appellants,

-and-

Bronx Lebanon Hospital Center, et al.,
Defendants.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 30, 2015, and said appeal having been perfected,

And defendants-appellants having moved for a stay of 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:


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 February 18, 2016.

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

-----X

Jeffrey Johnson,
Plaintiff-Appellant,

-against-

M-6161
Index No. 102034/12

S.W. Management, LLC, et al.,
Defendants,

78/79 York Associates, LLC,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an order clarifying, amending and replacing the decision and order of this Court entered on February 25, 2014 (Appeal No. 11805), or other relief,

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

It is ordered that the motion is 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 February 18, 2016.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
John R. Coelho,
Plaintiff-Respondent,

-against-

M-5665
Index No. 654404/13

Grafe Auction Co., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 28, 2015 (Appeal No. 15254),

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 February 18, 2016.

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

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

-against-

M-6487
Ind. No. 4060/13

David Feliz,
Defendant.

-----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 March 25, 2014, and for other relief,

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

It is ordered that the motion is denied. (CPL 460.30 subd. 1.)

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 February 18, 2016.

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

-----X
83-85 Baxter St., LLC,
Petitioner-Appellant,

-against-

M-94
Index No. 570032/15

Bin Cai,
Respondent-Respondent,

-and-

Cai Xian Cai, et al.,
Respondents-Occupants.
-----X

Petitioner-appellant-landlord 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 August 18, 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

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

Respondent,

M-6287

Ind. No. 1609/05

-against-

CERTIFICATE
DENYING LEAVE

Isheah Young,

Defendant.

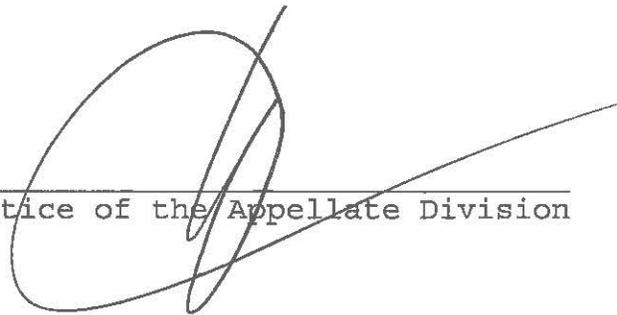
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Marcy L. Kahn, J.), entered on or about November 16, 2015, which denied defendant's motion pursuant to CPL 440.20, is hereby denied.

Dated: New York, New York
January 28, 2016

ENTERED

FEB 18 2016



Justice of the Appellate Division