

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 25, 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 Proceeding by
the Public Administrator of New York
County and Thomas LeViness, as
Co-Administrators CTA of the Estate of

Surrogate's Court
M-590X
File No. 1995-1375/I

Huguette Clark,
Deceased,

For Breach of Fiduciary Duty and
Other Requested Relief.

-----X

An appeal and cross appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about August 19, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 25, 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 Proceeding by
the Public Administrator of New York
County and Thomas LeViness, as
Co-Administrators CTA of the Estate of

Surrogate's Court
M-591X
File No. 1995-1375/I`

Huguette Clark,
Deceased,

For Breach of Fiduciary Duty and
Other Requested Relief.

-----X

An appeal and cross appeal having been taken from orders of the Surrogate's Court, New York County, entered on or about August 19, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2016.

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

-----X
Jannet Velez,
Plaintiff-Respondent,

-against-

M-425X
Index No. 400280/04

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

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 18, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 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 25, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
David Friedman
Rolando T. Acosta, Justices.

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

-against-

M-606
Ind. No. 3779/13

Roscoe Halperin,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 22, 2014,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2016.

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

-----X
Robert Arndau,
Plaintiff-Respondent,

-against-

M-394
Index No. 309978/10

Kensington Delaware, LLC, and
Rach Delaware, LLC,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 23, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 19, 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 February 25, 2016.

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

-----X
Steven E. Rosenbaum,
Plaintiff-Appellant,

-against-

M-397
Index No. 114129/11

Ronald C. Burke,
Defendant-Respondent,

Del H. Brand, et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 16, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated January 25, 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 February 25, 2016.

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

-----X
Ruby Scafe,
Plaintiff-Respondent,

-against-

M-6262
Index No. 303167/07

Schindler Elevator Corp.,
Defendant-Appellant.
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated December 8, 2015, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 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

Charles A.,
Hiram A.,
and Patricia A.,

M-92

Docket Nos. NA-42059-61/12

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

- - - - -

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

Norman A.,
Respondent-Appellant,

April W.A.,
Respondent-Appellant.

- - - - -

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

-----X

Appeals having been taken from the same order of the Family Court, New York County, entered on or about April 28, 2015, and said appeals having been jointly perfected,

And petitioner-respondent having moved for an adjournment of the perfected appeals and for an order of this Court directing appellants to provide petitioner-respondent with the complete transcripts of the Family Court proceedings,

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 the respondents-appellants to file, forthwith, a supplemental record containing the following transcripts: Dispositional/ Permanency Hearing Transcripts, dated December 9, 2013, May 22, 2014 and October 30, 2014; and Fact-Finding Hearing, dated April 18, 2013 and July 12, 2013; the costs of said supplemental record is to be shared equally by the parties. The appeals are to be maintained on this Court's calendar for the April 2016 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 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/Visitation
Proceeding Pursuant to Article 6 of
the Family Court Act.

Walter S., Jr., M-183
Petitioner-Appellant, Docket No. V-38067-15/15A

-against-

Cynthia H.,
Respondent-Respondent.

Kelechi Acholonu, Esq.,
Lawyers for Children,
Attorney for the Child.

-----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 December 7, 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, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 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/Visitation
Proceeding Pursuant to Article 6 of
the Family Court Act.

Sherrene R., **M-189**
Petitioner-Respondent, Docket No. V-38606/15

-against-

Sheena R.,
Respondent-Appellant.

Stephanie A. Suquet, Esq.,
Lawyers for Children,
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 14, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes

of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 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

Priseten T.,

M-6324

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

Docket No. B-41024/14

Administration for Children's
Services,
Petitioner-Respondent,

Miatta T.,
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, New York County, entered on or about November 5, 2015,

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 November 5, 2012, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 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
Visitation Under Article 6 of the
Family Court Act.

Georgianna N.,
Petitioner-Appellant,

M-421
Docket Nos. V-43479/13
V-43480/13

-against-

Carmen V. and Ibon S.,
Respondents-Respondents.

John R. Eyerman, Esq.,
Attorney for the Children.

-----X
William O'Hearn, Esq., Family Court attorney for the subject children, having moved, on said children's behalf, for leave to respond, as poor persons, to the appeal taken from the order of the Family Court, New York County, entered on or about April 15, 2015, and for assignment of appellate 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, John R. Eyerman, Esq., 225 Broadway, Suite #1800, New York, NY 10007, Telephone No. (212) 921-0069, as counsel for purposes of responding to the appeal on said children's behalf; (2) permitting movants to respond to

the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 February 25, 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 Applications for the Custody and Guardianship of

No Name Given L., also known as
Namear W., also known as
Damear W.,
Nazeek Nizear W., and
Sameeya Heaven Lei W.,

Children Under 18 Year of Age
Pursuant to § 384-b of the Social
Services Law of the State of New York.

M-376
Docket Nos. B-24053-54/12
B-2778/13

Sheltering Arms Children and Family
Services,
Petitioner-Appellant,

Renee L.,
Respondent-Respondent,

Dwayne W.,
Respondent-Respondent.

-----x

An appeal having been taken from the order of the Family Court, Kings County, entered on or about November 30, 2015,

Now, upon the Court's own motion, it is,

Ordered that the appeal is transferred to the Appellate Division, Second Department, for disposition.

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 25, 2016.

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

-----X
Ignacio Garcia,
Plaintiff-Respondent,

-against-

500 Lincoln LLC,
Defendant-Respondent,

The Port Authority of New York
& New Jersey,
Defendant,

M-575
Index Nos. 109594/10
590553/11

-and-

The Elevator Man, Inc.,
Defendant-Appellant.

-----X
(And other third-party actions)
-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about August 20, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated January 27, 2016, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Richard T. Andrias, Justices.

-----X
Ann Marie Pusterla,
Plaintiff-Respondent,

-against-

M-6408
Index No. 157384/15

American University of Antigua College
of Medicine,
Defendant-Appellant,

Manipal Education Americas, LLC,
et al.,
Defendants.

-----X

Defendant-appellant having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 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 on condition that the appeal is perfected for 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 25, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Richard T. Andrias, Justices.

-----X
In the Matter of the Application of
James Laforce, Individually, and
Derivatively as 50% Owner and as an
Officer and Director of Laforce &
Stevens, Inc.,
Petitioner-Respondent,

-against-

M-6421
Index No. 652436/15

Laforce & Stevens, Inc. and Leslie Stevens,
Respondents-Appellants,

For a Judgment pursuant to BCL §1104,
Judicially Dissolving Laforce & Stevens,
Inc.

-----X
Respondent-appellant Leslie Stevens having moved for an order staying the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 22, 2015, 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 and the interim relief granted by an order of a Justice of this Court dated December 23, 2015 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 February 25, 2016.

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

-----x
Juan Carlos Molina,
Plaintiff-Respondent,

-against-

James Chladek,
Defendant-Appellant.
-----x

M-6497
M-105
Index No. 603763/06

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 6, 2014,

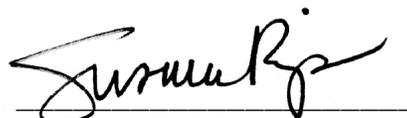
And plaintiff-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, for leave to strike the record on appeal (M-6497),

And defendant-appellant having cross-moved for an enlargement of time to perfect the appeal, and for leave to file a joint supplemental record on appeal (M-105),

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 granting defendant-appellant leave to file a revised record, which shall include legible reproductions of the documents attached to plaintiff-respondent's moving papers as Exhibit J and K, on or before March 21, 2016 for the June 2016 Term, and the motion is otherwise denied (M-6497). The cross motion is granted to the extent of enlarging the time to perfect the appeal to said June 2016 Term, and the cross motion is otherwise denied (M-105).

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 25, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-6116
Ind. No. 1832/11

Jonathan Saunders,
Defendant-Appellant.

-----x

An order of this Court having been entered on May 27, 2014 (M-1110), dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 16, 2012, without prejudice to a motion to reinstate the appeal,

And defendant-appellant, through assigned counsel, having moved for reinstatement of the aforesaid appeal,

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

It is ordered that the motion is granted, and assigned counsel is directed to perfect the appeal by filing the original record and nine copies of a replacement brief on or before March 21, 2016 for 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 25, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----x

Mark S. Goldstein, as Guardian of the Property of Shirley Scott, also known as Beckett,
Plaintiff-Appellant,

M-5546
M-5646
Index No. 304695/13

-against-

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 21, 2014,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal (M-5546),

And defendant-respondent The Village of Pelham Manor having cross-moved for dismissal of the aforesaid appeal as untimely (M-5646),

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-5546). The cross motion to dismiss the appeal is denied (M-5646). Sua sponte, the matter is remanded for a traverse hearing in Supreme Court, Bronx County, for a hearing to determine the issue of whether service of the order with notice of entry was properly effected.

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 25, 2016.

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

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

-against-

M-6446
Ind. No. 2116/13

Flavio Orta,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from orders of the Supreme Court, New York County, entered on or about November 17, 2015 and November 30, 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 10 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, NY 10005, Telephone No. (212)577-2523, as counsel for purposes of responding to 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 25, 2016.

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

-----X
Ira Schacter,
Plaintiff-Appellant-Respondent,

-against-

Janice Schacter,
Defendant-Respondent-Appellant.

M-6523
M-30
Index No. 311503/07

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2014, and from the order and judgment (one paper) of divorce of said Court entered on or about October 22, 2014; and defendant-respondent-appellant having taken a cross appeal from the order and judgment of divorce entered on or about October 22, 2014,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal and cross appeal from the judgment of divorce (M-6523),

And defendant-respondent-appellant having cross-moved for an order compelling plaintiff-appellant-respondent to comply with an order of this Court dated June 18, 2009 (M-30),

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 and cross appeal to the September 2016 Term with no further enlargements to be granted (M-6523). The cross motion is denied (M-30).

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 25, 2016.

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

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

George W. Nash,
Petitioner-Appellant,

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

-against-

M-157
Index. No. 400783/14

New York City Police Department,
et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about December 11, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time 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 enlarging the time to perfect the appeal to the June 2016 Term, with no further enlargements to be granted. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 25, 2016.

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

-----X
James Pettus and Charlene Thompson,
Petitioners-Appellants,

-against-

M-26
Index No. 250720/15

Board of Directors, Owners 800 Grand
Concourse, Charles H. Greenthal,
Agent/Mgmt.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about December 28, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 25, 2016.

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

-----X
James Pettus and Charlene Thompson,
Petitioners-Appellants,

-against-

M-59
Index No. 261117/14

Board of Directors, Owners 800 Grand
Concourse, Charles H. Greenthal,
Agent/Mgmt.,
Respondents-Respondents.
-----X

Petitioners-appellants having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Supreme Court, Bronx County, entered on or about December 17, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 25, 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-

M-77
Ind. No. 1841/12

Anthony Dejesus,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 26, 2015,

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

It is ordered that the motion is granted 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 25, 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-

M-81
Ind. No. 3561/13

Terrell Kitt,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2014, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 11, 2016 for the September 2016 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 25, 2016.

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

-----x
Vanessa Dennis,
Plaintiff-Respondent,

-against-

M-126
Index No. 153857/14

Marie Napoli, nee Marie Kaiser, and
Paul J. Napoli,
Defendants-Appellants,

Marc J. Bern, et al.,
Defendants.

-----x
An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 17, 2012,

And defendants-appellants having moved of a stay of the order with respect to a preliminary injunction, 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 25, 2016.

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

-----x
Clara Appel-Hole and Alan Hole,
Plaintiffs-Respondents,

-against-

Wyeth-Ayerst Laboratories, et al.,
Defendants.

M-203
Index No. 105122/09

- - - - -
Ella Abramova, et al.,
Intervenor Plaintiffs-Respondents,

-against-

Paul J. Napoli, Gerald Kaiser,
Marc J. Bern, Napoli, Kaiser &
Associates LLP, Napoli Kaiser, Bern
LLP, Napoli Kaiser, Bern & Associates
LLP, Law Offices of Marc Jay Bern,
P.C., Napolia, Kaiser, Bern &
Associates, P.C., and Napoli,
Kaiser & Bern, P.C.,
Intervenor Defendants-Appellants.

- - - - -
[And another action]

-----x
Intervenor defendants-appellants Marc J. Bern and Law Offices of Marc J. Bern 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 December 8, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the 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 25, 2016.

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

-----x
Patricia Kenny,
Plaintiff-Respondent,

-against-

Turner Construction Company, et al.,
Defendants,

M-6498
Index No. 603387/06

-and-

The Corporate Source, Inc.,
Defendant-Appellant.

- - - - -
[And other actions]
-----x

Defendant-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 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 25, 2016.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-6536

Ind. No. 3924N/13

Danilo Concepcion,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, 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 defendant.)

ENTER:


CLERK

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

BEFORE: Hon. Sallie Manzanet-Daniels
Associate Justice of the Appellate Division

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

Respondent, M-25
Ind. No. 514/08

-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Lawrence Parker,
Defendant-Appellant.

-----x
I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.


Justice of the Appellate Division

Dated: February 11, 2016
New York, New York

ENTERED: February 25, 2016

*Description of Order:

Supreme Court, Bronx County, entered on November 4, 2010.
App. Div., First Dept., Appeal No. 15118-15119, Affd on November 5, 2015.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

✓

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-4407
Ind. No. 2942/96

-against-

CERTIFICATE
DENYING LEAVE

Raymond Barrientos,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated July 31, 2015, is hereby denied.

Dated: February 10, 2016
New York, New York

Entered: February 25, 2016



Hon. Barbara R. Kapnick
Associate Justice