

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 January 7, 2016.

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

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

Respondent,

-against-

M-5415  
Ind. No. 81/12

Vincent Richardson,

Defendant-Appellant.  
-----x

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 19, 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It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Kolanu Partners, LLC,  
Plaintiff-Respondent,

M-5953

M-6052

-against-

Index No. 157289/13

Takis Sparaggis,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 17, 2014, for failure to timely perfect (M-5953),

And defendant-appellant having cross-moved for an enlargement of time to perfect the appeal (M-6052),

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 and the appeal is dismissed (M-5953). The cross motion is denied accordingly (M-6052).

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 January 7, 2016.

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

-----X

In re: Eliyahu, An Infant

- - - - -

Nekadam Y.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-5382

Moshe N.,  
Petitioner,

Surrogate's Court  
File No. 2010-0178

-against-

Jennifer B. and David B.,  
Respondents-Respondents.

- - - - -

Anne Reiniger, Esq.,  
Attorney for the Child.

-----X

Respondents-respondents, pro se, having moved to dismiss the appeal taken from an order of the Surrogate's Court, New York County, entered on or about August 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, without prejudice to addressing the issue directly on 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 January 7, 2016.

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

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

Respondent,

-against-

M-5525

Ind. No. 5357/14

Jaysen Dorsey,

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 September 15, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 January 7, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Anonymous,

Defendant-Appellant.

-----X

**SEALED**

**M-5420**

Ind. No. 660/11

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about August 19 2014, designating the case as *People v Anonymous*, and **sealing** the record on appeal, (including appellate briefs and future motions filed herein,

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 that the record on appeal and brief are **sealed**. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 January 7, 2016.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5364

Ind. No. 4903/12

Christopher Wilson,

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 July 31, 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

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 January 7, 2016.

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

-----X

Wilfredo Rosado, individually and derivatively as a shareholder on behalf of Castillo Rosado, Inc., Edmundo Castillo LLC and Edmundo Castillo International, S.R.L.,  
Plaintiffs-Appellants,

M-5306  
Index No. 603214/04

-against-

Edmundo Castillo, Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiffs-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 September 12, 2014, and from a judgment of the same Court and Justice, entered on or about December 15, 2014, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 7, 2016.

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

-----X  
Integrated Urban Holdings, LLC and  
Derek Q. Johnson,  
Plaintiffs-Appellants,

-against-

M-5615  
Index No. 652138/13

Vornado Harlem Park LLC, et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-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 January 30, 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 May 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 January 7, 2016.

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

-----X  
In the Matter of the Application of  
Lisa Williams,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5521  
of the Civil Practice Law and Rules, Index No. 100442/14

-against-

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

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 16, 2014,

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

It is ordered that said motion is granted to the extent enlarging the time to perfect the appeal to the May 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 January 7, 2016.

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

-----X  
Jimmy Katz and Dena Katz,  
Plaintiffs-Respondents,

-against-

M-5718  
Index No. 653592/13

1700 North Main Associates, LLC,  
and Daniel G. Miller,  
Defendants-Appellants.

-----X

Defendants-appellants 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 September 16, 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 denied 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 January 7, 2016.

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

-----X

In the Matter of the Application of  
Stephanie Brown,  
Petitioner-Respondent,

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

-against-

M-5537  
Index No. 154728/13

Board of Education of the City School  
District of the City of New York and  
Dennis M. Walcott, as Chancellor of  
the City School District of the City  
of New York,  
Respondents-Appellants.

-----X

Respondents-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 January 5, 2015,

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

It is ordered that said motion is granted to the extent enlarging the time to perfect the appeal to the May 2016 Term.

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 January 7, 2016.

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

-----X

Rupert Dowd on his own behalf and  
derivatively on behalf of Tectonic  
Flooring U.S.A., LLC,  
Plaintiff-Appellant,

M-5285  
Index No. 653044/15

-against-

Mondo Pallon and Finish Systems  
International, LLC,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 15, 2015,

And plaintiff-appellant having moved for an appellate 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 January 7, 2016.

PRESENT : Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Judith J. Gische, Justices.

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

Appellant,

-against-

Milo Tyler,

Defendant-Respondent.  
-----X

M-5396  
Ind. Nos. 426/06  
1106/12

The appellant People having moved for consolidation of the appeals taken from the order of the Supreme Court, New York County, entered on or about January 28, 2015 (Ind. No. 426/06) and from the judgment of resentence rendered on or about May 13, 2015 (Ind. No. 1106/12), 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 permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals.

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 January 7, 2016.

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

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

-against-

M-4525  
Ind. No. 4598/12

John Blanding, also known as Johnny  
Blanding,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2013,

And defendant-appellant having moved for leave to prosecute the appeal pro se as a poor person or, in the alternative, for leave to file a pro se supplemental brief for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 22, 2016 for the May 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. 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 January 7, 2016.

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

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

-against-

M-5395  
Ind. No. 4453/12

Oscar Schaffino,  
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 November 26, 2013, 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 February 2, 2016 for the April 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 January 7, 2016.

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

-----X  
Application of Scott Cohn, owner  
of 33% of all shares of Night Agency,  
LLC,  
Petitioner-Respondent,

For the Dissolution of Night Agency,  
LLC, a New York Limited Liability  
Company, Pursuant to Section 702  
of the Limited Liability Company Law,  
M-5761  
Index No. 653286/15

-against-

Darren Paul and Evan Vogel, the other  
33% owners of all shares of Night Agency,  
LLC,  
Respondents-Appellants.

-----X

Respondents having moved pursuant to CPLR 5704(a) for vacatur and/or modification of orders of the Supreme Court, New York County, entered on or about October 2, 2015 and October 29, 2015, respectively, and for other relief, and petitioner having moved to clarify an interim stay granted by a Justice of this Court on November 13, 2015, 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 motions are denied in their entirety.

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 January 7, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias, Justices.

-----X  
Robert McDonagh,  
Plaintiff-Respondent,

**M-5920**  
Index No. 301964/09

-against-

Daniel Tenriero and Homeborn Realty,  
LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about September 1, 2015,

And defendants-appellants having moved to stay discovery 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 the County of New York on January 7, 2016.

PRESENT - Hon: Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Judith J. Gische, Justices.

-----X  
Oribe Canales, derivatively on behalf  
of Oribe Hair Care, LLC, a New York  
limited liability company,  
Plaintiff-Respondent,

-against-

M-5572  
Index No. 650919/14

Tevya Finger, et al.,  
Defendants-Appellants.  
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about June 5, 2015, July 14, 2015 and September 21, 2015, respectively,

And defendants-appellants having moved for an order sealing portions of the record on appeal and documents submitted by plaintiff to the IAS Court for "in camera" inspection,

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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
David B. Saxe  
Barbara R. Kapnick, Justices.

-----x

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

-against-

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

M-6130  
Index No. 653199/11

-and-

Liberty Insurance Underwriters,  
Defendant-Appellant,

Greenwich Insurance Company,  
Proposed Amicus Curiae.

-----x

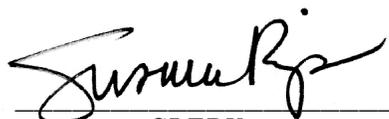
An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 30, 2014 (mot. seq. no. 007), and said appeal having been perfected,

And proposed amicus curiae Greenwich Insurance Company having moved for leave to appear as amicus curiae in support 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 granted to the extent of granting the proposed amicus curiae leave to appear as amicus curiae and directing same to promptly file 9 copies of the amicus curiae brief 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 January 7, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Diane T. Renwick  
Richard T. Andrias, Justices.

-----X  
Nevco Contracting Inc.,  
Plaintiff-Appellant,

-against-

**M-6302**  
Index No. 152934/15

R.P. Brennan General Contractors  
& Builders, Inc., also known as  
Brennan Operating Inc., doing  
business as R.P. Brennan General  
Contractors,  
Defendant-Respondent.

-----X  
Brennan Operating Inc., also known  
as R.P. Brennan General Contractors  
& Builders Inc.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 152934/15

Cumberland Packing Corp.,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 14, 2015,

And defendant/third-party plaintiff having moved for leave to supplement and 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 without prejudice to plaintiff addressing any alleged improprieties in a reply brief.

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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Tila Azeem,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-5930  
of the Civil Practice Law and Rules, Index No. 653489/15

-against-

David James Murphy,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of arbitration, pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about November 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 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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
In re Lizzette Morales,  
Petitioner,

-against-

M-5682  
Index No. 400004/14

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

Petitioner, pro se, having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 27, 2015 (Appeal No. 15976), 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.

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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----X  
In re Elihu Kover, etc.,  
Petitioner-Respondent,

For the Appointment of a Guardian of the Person and Property of Eva Dworecki, M-5951  
An Alleged Incapacitated Person. Index No. 401545/12

- - - - -  
Burton Citak, et al.,  
Nonparty Appellants.

-----X

Appellants having moved leave to reargue, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on October 27, 2015 (Appeal Nos. 14667N-14667NA),

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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Rosemarie A. Herman, etc., et al.,  
Plaintiffs-Appellants,

-against-

M-6067  
Index No. 650205/11

Julian Maurice Herman, et al.,  
Defendants-Respondents,

Mayfair York LLC, et al.,  
Defendants.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 5, 2015 (Appeal No. 16078N),

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 January 7, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Heritage Partners, LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-5983  
Index No. 159713/13

Stroock & Stroock & Lavan, LLP,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on November 5, 2015 (Appeal No. 16072),

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 January 7, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Amit Kort,  
Plaintiff-Appellant,

-against-

M-5778  
Index No. 650858/15

The Children's Aid Society,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 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 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 January 7, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-----  
David B., Docket Nos. V-15743-10/13E  
Petitioner-Respondent, V-15744-10/13E  
-against- V-15743-10/13F  
V-15744-10/13F

Katherine G.,  
Respondent-Respondent,

Winter B. and Orion B.,  
Appellant-Children.

-----  
Randall Carmel, Esq.,  
Attorney for the Children.  
-----X

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

And petitioner having moved to strike the brief by Randall Carmel, Esq., on behalf of the subject children,

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 January 7, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

Aleksander Pilipovic and Chantay  
Pilipovic,  
Plaintiffs-Respondents-Appellants,

-against-

M-5995  
Index No. 653459/13

Laight Cooperative Corp., et al.,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2015, and said appeal and cross appeal having been perfected,

And plaintiffs-respondents-appellants having moved for an order striking certain portions of defendants-appellants-respondents' reply brief which are highlighted in Exh. F to the Sherman Affirmation and for the imposition of sanctions on defendants-appellants-respondents including costs and attorney's fees incurred in making the motion,

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 in its entirety.

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 January 7, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Christina Thompson, an infant by  
her Mother and Natural Guardian,  
Monique Palmer, Individually,  
Plaintiffs-Respondents,

-against-

M-5583  
Index No. 115725/07

UHAB Housing Development Fund Corp.,  
14K Management, Inc.,  
Defendants-Appellants,

Keisha Hall, et al.,  
Defendants.

-----X  
Wells Fargo Bank, N.A., as Trustee  
for the Morgan Stanley ABS Capital  
Trust 2005-WMC3,  
Third-Party Plaintiffs,

-against-

Third-Party  
Index No. 591145/08

Pamela Palmer, Pamela Palmer,  
also known as Simone Pimentel,  
Sr., Simone Pimentel, Simone  
Pimentel, also known as Simone  
Pimentel, Jr. and Hyacinth  
Cogdell,  
Third-Party Defendants.

-----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 January 8, 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 January 7, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of  
Doris Aspiazu,

Petitioner-Appellant,

-against-

**M-6117**

Index No. 101072/13

The Department of Education of the  
City of New York, et al.,

Respondents-Respondents.

-----X

Petitioner-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 September 2, 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 May 2016 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2016.

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

-----X

SFR Holdings Ltd., et al.,  
Plaintiffs-Appellants,

-against-

John Rice, et al.,  
Defendants-Respondents.

-----X

M-5423

M-5680

Index No. 652367/12

Plaintiffs-appellants having moved by separate motions 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 October 6, 2015 (Appeal No. 15777) [M-5423/M-5680],

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

It is ordered that the motions 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 January 7, 2016.

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

-----X  
In the Matter of the Application of  
Kenneth Howell and Fontayne Mora,  
Petitioners,

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

M-5730  
Index No. 100416/14

-against-

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

-----X

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

And an order of this Court entered on June 16, 2015 (M-1892) having granted respondent's motion for dismissal of the aforesaid proceeding, and an order having been entered on October 22, 2015 (M-3886) denying petitioner's motion for reinstatement of the proceeding and for poor person relief,

And petitioner having moved to reinstate the aforesaid proceeding,

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

It is ordered that the motion is 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 January 7, 2016.

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

-----X

Dennis Lee, also known as Lee Man For  
Dennis, as a Director and Officer of  
Lee-Tail Enterprises (USA) Ltd., 238-40  
7th Avenue Corp. and Broadway Chinatown  
Realty Inc.,

Plaintiff-Respondent,

M-5454

M-6183

Index No. 603111/05

-against-

Chun Ka Luk, as Administrator of the  
Estate of Nancy Luk, Deceased,  
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 October 15,  
2015 (Appeal No. 1598N) [M-5454],

And plaintiff-respondent having cross-moved for  
reargument of the decision and order of this Court entered on  
October 15, 2015 (Appeal No. 1598N) [M-6183],

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 and cross motion are  
denied [M-5454/M-6183].

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 January 7, 2016.

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

-----X  
Javier Vicuna,  
Plaintiff-Respondent-Appellant,

-against-

Empire Today, LLC (a Northlake, M-5698  
Illinois-based company), et al., Index No. 104830/08  
Defendants-Appellants-Respondents,

Shomar A. Dwyer,  
Defendant.

-----X

Plaintiff-respondent-appellant having moved for leave to file a late motion for reargument of the decision and order of this Court entered on May 26, 2015 (Appeal No. 15120),

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 January 7, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Milagros Urena,  
Petitioner,

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

M-5748  
Index No. 401916/13

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, by order of the Supreme Court, New York County, entered on or about September 22, 2014,

And an order of this Court entered October 15, 2015 (M-3348), having dismissed the aforesaid proceeding,

And petitioner having moved for reconsideration and to reinstate the aforesaid proceeding,

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

It is ordered that the motion is 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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against-

M-4738  
Ind. No. 2060/11

Martin Varela,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 2, 2013 (M-1780), inter alia, assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on May 16, 2011,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment, or in the alternative to be relieved as appellate 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 dismissing the appeal because of appellant's death on September 18, 2013, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 770.) 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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against-

M-5269  
Ind. No. 963/84

Thomas Vasquez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 4, 2013 (M-5619), inter alia, assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on July 13, 2012,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on August 1, 2015, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 770.)

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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

Respondent,

-against-

Andre Rosa,

Defendant-Appellant.  
-----X

M-5513  
Ind. Nos. 3290/14  
5625/13  
5476/13

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 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 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against- M-5487  
Ind. No. 10090/88

Bienvenido Castillo,  
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, entered on or about October 16, 2015, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

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

-against-

M-5414  
Ind. No. 4033/13

Juan Restrepo,  
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 October 10, 2014, 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 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, 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 January 7, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5431

Ind. No. 1580/03

Luis J. Rodriguez, also known as  
Luis Rodriguez-Castillo,

Defendant-Appellant.

-----X

Defendant-appellant having moved, through retained counsel, for an enlargement of time to perfect the appeals from the judgment and judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 26, 2009 and April 29, 2009, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the May 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 January 7, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
Zylon Corp. and Alan Zamore,  
Plaintiffs-Respondents,

-against-

Medtronic, Inc., et al.,  
Defendants-Appellants.  
-----X

**SEALED**

**M-5961**

Index No. 650523/08

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 20, 2015,

And plaintiffs-respondents having moved to strike certain portions of defendants' reply brief, as well as any arguments made that are outside the notice of 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 deeming struck those portions of the reply brief that refer to plaintiff Zamore's August 28, 2015 deposition transcript (Defendants' reply brief p. 4, the 3<sup>rd</sup> full paragraph; p. 4. note 3; p. 10, 2<sup>nd</sup> full paragraph; references thereto in Point V); and otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Diane T. Renwick  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X

Souyun Lee,  
Plaintiff-Appellant,

-against-

**M-6315**

Index No. 301394/15

Wei-Yeh Lee,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 28, 2015, and said appeal having been perfected,

And plaintiff having moved for a preference for the January 2016 Term,

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 appeal be maintained on the calendar for the January 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 January 7, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-5291  
Ind. No. 950/12

Pedro Guzman,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 21, 2012,

And assigned counsel for defendant-appellant having moved to dismiss 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 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 January 7, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Barbara R. Kapnick, Justices.

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

-against-

M-5080  
Ind. No. 2139/14

Malik Jones,  
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 March 4, 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 transcripts 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 January 7, 2016.

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

-----X

Hector Medina, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-3611  
Index No. 114284/10

42nd and 10th Assoc., LLC, et al.,  
Defendants-Respondents-Appellants.

-----X

Defendants-respondents-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on June 25, 2015 (Appeal No. 15449-50),

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 January 7, 2016.

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

-----X  
In the Matter of the Application of  
Michael Thomas, Jerry Stecher and  
Roy Crissinger,  
Petitioners-Appellants,

-against-

M-5929  
Index No. 100071/14

Yogi Gupta Ashram, Inc.,  
Respondent-Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about November 14, 2014, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2016.

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

-----X  
Donette Kingston,  
Plaintiff-Appellant,

-against-

M-5754  
Index No. 400311/14

New York City Police Department,  
Respondent-Respondent.  
-----X

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

And an order of this Court entered on October 15, 2015 (M-3260) having, sua sponte, dismissed the aforesaid appeal and denied so much of plaintiff-appellant's motion seeking leave to prosecute the appeal, as a poor person, and for other relief,

And plaintiff-appellant having moved for clarification of the aforesaid order of this Court entered on October 15, 2015 (M-3260) and to prosecute, as a poor person, the aforesaid 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 denied.

ENTER:



CLERK