

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 May 31, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

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

For a Judgment Pursuant to Article 78 M-1399  
of the Civil Practice Law and Rules, Index No. 100442/14

-against-

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

Respondent-respondent New York City Housing Authority having moved for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 16, 2014, for failure to timely perfect in accordance with this Court's order entered January 7, 2016 (M-5521),

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 May 31, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----x  
Milagros Rios,  
Plaintiff-Appellant, M-1871  
M-2053  
-against- Index No. 300937/11  
750 Astor, LLC,  
Defendant-Respondent.  
-----  
750 Astor, LLC,  
Third-Party Plaintiff-Respondent,  
-against- Index No. 83931/11  
Jewish Board of Family and Children's  
Services, Inc.,  
Third-Party Defendant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 24, 2015,

And third-party defendant Jewish Board of Family and Children's Services, Inc. (M-1871) and defendant/third-party plaintiff-respondent 750 Astor, LLC (M-2053) having moved and cross-moved, respectively, for dismissal of the aforesaid appeal for failure to timely prosecute,

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

It is ordered that the motion and cross motion are granted 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 May 31, 2016.

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

-----X  
George Joseph,

Plaintiff-Appellant,

-against-

Premiere Eglise Baptiste Haitienne  
De Manhattan,

M-2199  
DC #51  
Index No. 110099/06

Defendant-Respondent.  
-----X

An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about May 9, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 May 31, 2016.

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

-----X  
Slawomir Zdunek,  
Plaintiff,

-against-

M-2712  
DC #31  
Index No. 308068/11

Everest Scaffolding Inc., et al.,  
Defendants-Respondents,

Narayan Sundaresan, et al.,  
Defendants-Appellants.

-----X

An appeal purportedly having been taken by defendants Narayan Sundaresan and Patience Sundaresan,

And a correspondence from this Court having been sent to counsel for defendants advising him that an order will be entered dismissing the appeal unless an affidavit was submitted to this Court advising the Court of the nature of the order or judgment being appealed; the date of entry of such order and judgment; the date the notice of appeal was served; and whether an enlargement of time to perfect the appeal had previously been granted,

And said information having not been provided and an appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 May 31, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X  
In the Matter of the Application of  
Xavier Rivera and Regina Seda,

Petitioners,

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

M-1484  
Index No. 100495/14

-against-

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 January 13, 2015, to review a determination of respondent,

And respondent having moved to dismiss the aforesaid proceeding,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

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

-against-

M-2451  
Ind. No. 5219/13

Saif Reid,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 April 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, 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, 28<sup>th</sup> 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 May 31, 2016.

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

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

Cassius J.,  
Petitioner-Respondent,

-against-

M-2096  
Docket No. V-38977/15

Linday F.,  
Respondent-Appellant,

Administration for Children's Services,  
Respondent-Respondent.

-----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 March 28, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service**

---

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

**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 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

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 May 31, 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

Izrael J.,

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

- - - - -  
Administration for Children's Services, M-2098  
Petitioners-Respondents, Docket No. NN-44495/14

Lindsay F.,  
Respondent-Appellant,

Cassius J.,  
Respondent.

-----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 March 28, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> **within 30 days (FCA 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 receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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.

- - - - -  
Diane T.,  
Petitioner-Appellant,

M-1875  
Docket No. V-18022/14

-against-

Shawn N., Administration for  
Children's Services-Bronx, and  
Lydia T.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 4, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. 917-378-0176, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3)

---

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

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 receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1646, M-1658 and M-2056, decided simultaneously herewith.)

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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.

Diane T.,  
Petitioner-Appellant,

M-1646  
Docket No. V-18022/14

-against-

Shawn N., Administration for  
Children's Services-Bronx, and  
Lydia T.,  
Respondents-Respondents.

-----X

Respondent-respondent Lydia T. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 4, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Karen D. Steinberg, Esq., 31 East 32<sup>nd</sup> Street, Suite 300, New York, NY 10016, Telephone No. 347-346-4847, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1658, M-1875 and M-2056, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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.

Diane T.,  
Petitioner-Appellant,

M-1658  
Docket No. V-18022/14

-against-

Shawn N., Administration for  
Children's Services-Bronx, and  
Lydia T.,  
Respondents-Respondents.

-----X

Respondent-respondent Shawn N. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 4, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. 718-883-1560, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1646, M-1875, and M-2056, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 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.

Diane T.,  
Petitioner-Appellant,

M-2056  
Docket No. V-18022/14

-against-

Shawn N., Administration for  
Children's Services-Bronx, and  
Lydia T.,  
Respondents-Respondents.

-----X

Jessica Brown, Esq., attorney for the subject child Jeremiah N., having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 4, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-1646, M-1875 and M-1658, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Angel Figueroa,

Defendant-Appellant.

-----X

CONFIDENTIAL  
M-1776  
Ind. No. 730/15

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 December 3, 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, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$250,000 bail in the Supreme Court, the disposition thereof, 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 May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

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

-against-

M-2150  
Index No. 251604/15

Marzena Jankowski, et al.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for poor person relief to prosecute the appeal from the order of the Supreme Court, Bronx County, entered on or about April 6, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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 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 May 31, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

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

-against-

M-1967  
Ind. No. 73/14

Lawrence E. Penn, III,  
Defendant-Appellant.

-----X

Defendant-appellant 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 April 20, 2015,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of 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 May 31, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

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

Respondent,

-against-

Rafael Castro-Pena,

Defendant-Appellant.  
-----X

M-1622  
Ind. No. 548N/14

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 April 30, 2014, for leave to prosecute the appeal as a poor person, 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 May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X  
Epstein Becker & Green, P.C.,  
Plaintiff-Respondent,

-against-

M-1640  
Index No. 113325/11

Vortex Group, Inc.,  
Defendant,

Danica Group, LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about April 13, 2015, and from a judgment of the same Court, entered on or about July 28, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the October 2016 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Metro Foundation Contractors, Inc.,  
Plaintiff-Appellant,

-against-

M-1820  
Index No. 600520/09

Marco Martelli Associates, Inc.,  
et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, both entered on or about May 11, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the October 2016 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

Aspen Specialty Insurance Company,  
Plaintiff-Respondent,

-against-

M-1465  
Index No. 160353/13

Ironshore Indemnity Incorporated,  
Defendant-Appellant,

Transel Elevator, Inc.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 8, 2015 and from an order of the same Court and Justice, entered on or about December 11, 2015,

And defendant-appellant having moved for a stay of enforcement of the aforesaid orders, pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 31, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Diane T. Renwick  
Karla Moskowitz, Justices.

-----X  
East Fordham DE LLC,  
Plaintiff-Respondent,

-against-

M-922  
Index No. 260551/14

U.S. Bank National Association,  
etc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 12, 2015,

And plaintiff-respondent having moved for leave to file a sur-reply to the defendants-appellants' pleadings in support of their motion for a stay of enforcement pending 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 May 31, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

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

-against-

**M-1883**

Ind. Nos. 1406/11  
20466C/11

Wendell Reyes,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, rendered on or about April 12, 2013, and said appeal having been perfected,

And, defendant-appellant having moved to withdraw his prior motion seeking leave to file a pro se supplemental brief 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 deemed an application to submit the handwritten, purported pro se brief annexed to the moving papers as a pro se supplemental brief, and granted to the extent of deeming said brief filed for the October 2016 Term of this Court, to which Term hearing of the appeal is adjourned, and 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 May 31, 2016.

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

-----x  
Swiss Re Financial Services Corp.,  
Plaintiff-Respondent,

-against-

M-1731  
Index No. 155741/13

Michelle Lynn McGuirk,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about July 11, 2013, September 19, 2013 and December 3, 2013, respectively,

And an order of this Court having been entered on February 11, 2016 (M-6275), denying defendant-appellant's motion for consolidation of the aforesaid appeals with another pending case before this Court entitled *Michelle Lynn McGuirk v NYS Division of Human Rights, ALJ Robert Tuosto and Swiss Re Financial Services Corp., et al.* (Index No. 100809/14),

And defendant-appellant having moved for leave to appeal to the Court of Appeals from this Court's February 11, 2016 order (M-6275), 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 May 31, 2016.

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

-----X  
Niurka Andino,  
Plaintiff-Respondent,

-against-

Ronald Mills, et al.,  
Defendants-Appellants.

M-532  
M-628  
Index No. 26798/04

-----  
City of New York, and New York State  
Trial Lawyers Association,  
Amici Curiae.  
-----

(And a third-party action)

-----X

Plaintiff-respondent having moved for reargument of, or in the alternative, leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on January 5, 2016 (Appeal No. 16464) [M-532],

And defendants-appellants having cross-moved for the same relief (M-628),

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

It is ordered that the motion and cross motion, to the extent they seek leave to appeal to the Court of Appeals, are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as modified by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. The motion and cross motion, to the extent they seek reargument, are denied.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Richard T. Andrias  
Karla Moskowitz  
Marcy L. Kahn, Justices.

-----X  
US Bank National Association, etc.,  
et al.,  
Plaintiffs-Respondents,

-against-

M-1650  
Index No. 381069/12

Georgia Ferguson, Cheryl Campbell-Edwards,  
Connolly E. Edwards, et al.,  
Defendants-Appellants,

Equitable Ascent Financial LLC, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 7, 2015,

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

It is ordered that the motion is denied, and the appeal from the January 7, 2015 order is dismissed, without prejudice to a timely appeal from the final judgment.

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 May 31, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

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

-against-

M-1916  
Ind. No. 4872/11

Jomo Williams,  
Defendant-Appellant.  
-----X

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 November 26, 2013, 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.

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 May 27, 2016.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----x  
Guidance Enhanced Green Terrain, LLC,  
Plaintiff-Appellant,

-against-

Bank of America Merrill Lynch, also known M-2586  
as Merrill Lynch, Pierce, Fenner & Smith, Index No. 652009/14  
Inc., and Ronald Torok,  
Defendants,

-and-

Banc of America Credit Products, Inc.,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 8, 2015, and said appeal having been perfected,

And defendant-respondent having moved for an order striking plaintiff-appellant's reply 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 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 May 31, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

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

-against- M-1911  
Ind. Nos. 2116/14  
Elijah Lynah, 2053/13  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order deeming the moving papers a timely filed notice of appeal or, in the alternative, granting permission to file an untimely notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2015,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal. 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 May 31, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
David Berman,  
Plaintiff-Appellant,

-against-

Craig A. Saunders,  
Defendant-Respondent.

M-1807  
Index No. 153931/13

-----X

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X  
Gwenneth Turner and Denzel Turner,  
Plaintiffs-Appellants,

-against-

M-2039  
Index No. 303531/08

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

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 17, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 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 May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

-----X  
Silvia Perina,  
Plaintiff-Appellant,

-against-

M-2086  
Index No. 401403/13

Animal Care and Control of New York  
City, Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2013,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Heriberto Pratts and Elizabeth Pratts,  
as co-guardians of the person and  
property of David Pratts, an  
incapacitated person,  
Plaintiffs-Appellants,

-against-

M-1682  
Index No. 115578/10

Bruno A. Campolo,  
Defendant,

The City of New York,  
Defendant-Respondent,

"XYZ Corp." etc.,  
Defendant.

-----X

Plaintiffs-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 August 11, 2015,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

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

-----X  
Credit Agricole Corporate, et al.,  
Plaintiffs-Respondents,

-against-

M-788  
Index No. 651989/10

BDC Finance, LLC, et al.,  
Defendants-Appellants.

-----X

Defendants-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 January 19, 2016 (Appeal No. 16672),

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 May 31, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels, Justices.

-----X  
The City of New York,  
Plaintiff-Appellant,

-against-

Granite State Insurance Company,  
Defendant-Respondent.

M-1522  
Index No. 451366/12

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 16, 2016 (Appeal No. 236),

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 May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Ellen Gesmer, Justices.

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

Respondent,

-against-

Michael Rivera,

M-1900  
Ind. Nos. 8235/99  
6357/99

Defendant-Appellant.  
-----x

A decision and order of this Court having been entered on October 21, 2014 (Appeal No. 13258), unanimously affirming a judgment of resentence of the Supreme Court, New York County (Maxwell Wiley, J.), rendered on or about July 25, 2012,

And defendant pro se having moved to be provided with free transcripts of the proceedings below for use in preparing a certificate seeking leave to appeal from this Court's October 21, 2014 decision and order, or to prepare a motion to vacate his Judgment of conviction pursuant to CPL 440.10 (Appeal No. 13258), or for other alternative 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 May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X  
Steven L. Wittels,

Petitioner-Respondent,

-against-

David W. Sanford, et al.,

Respondents-Appellants.  
-----X

M-1806

M-1851

Index No. 652479/14

Respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 24, 2016 (Appeal Nos. 619/619A/619B), and for a stay of execution of judgment of the Supreme Court, New York County, entered on or about February 3, 2015,

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

It is ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied. The motion, to the extent it seeks a stay, is granted only to the extent authorized by CPLR 5519(e).

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 May 31, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

M-1763  
Ind. No. 4529/13

Robert Sims,  
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 August 6, 2015, for leave to prosecute the appeal as a poor person, 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief and assignment of counsel, is denied, with leave to renew upon defendant's submission of a notarized affidavit setting forth his indigency, in compliance with CPLR 1101, including setting forth the sources of funds to post the \$70,000 cash bail in Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this 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 May 31, 2016.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----x  
Charnise Coaker,  
Plaintiff-Appellant,

-against-

Eddie R. Mulet, M-2071  
Defendant, Index No. 309030/12

-and-

Andres F. Salazar-Salazar and UB  
Distributors, LLC,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 14, 2015, and said appeal having been perfected,

And defendants-respondents having moved for leave to supplement the record on appeal,

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

It is ordered that the motion is granted, and defendants-respondents are permitted to file nine copies of Exhibit A to the moving papers immediately.

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 May 31, 2016.

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

-----X  
Marzia Frassinelli, et al.,  
Plaintiffs-Respondents,

-against-

120 East 73<sup>rd</sup> Street Corp., et al.,  
Defendants-Appellants,

M-1410  
Index Nos. 118093/09  
590777/10  
590101/13

Ragno Boiler Maintenance, Inc.,  
Defendant,

Tiffany Heating Services, Inc.,  
Defendant-Respondent.

-----X  
120 East 73<sup>rd</sup> Street Corp., et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Ragno Boiler Maintenance, Inc.,  
Third-Party Defendant,

Tiffany Heating Services, Inc.,  
Third-Party Defendant-Respondent.

-----  
(And a Second Third-Party Action)

-----X

Plaintiffs-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on February 9, 2016 (Appeal No. 176),

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

It is ordered that the motion is denied.

ENTER:

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

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 May 31, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Judith J. Gische  
Troy K. Webber, Justices.

-----x

Kenneth Lawson, etc., et al.,  
Plaintiffs-Appellants,

-against-

Carl Chaims, et al.,  
Defendants-Respondents.

-----x

M-1354

M-1505

Index No. 350216/10

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

And defendant-respondent James Greenburg (M-1354) and defendant-respondent 193 Realty LLC, initially sued herein as 193 Realty Inc. (M-1505) having moved, by separate motions, for dismissal of the aforesaid appeal,

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

It is ordered that the motions are granted 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 May 31, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer, Justices.

-----x  
Shawna I. Kalish,  
Plaintiff-Appellant-Respondent,

M-4303

-against-

Index No. 106888/11

Hudson River Park Trust,  
Defendant-Respondent-Appellant.  
-----

Hudson River Park Trust,  
Third-Party Plaintiff-Respondent-  
Appellant,

-against-

Index No. 590112/13

The Port Authority of New York and New Jersey,  
Third-Party Defendant-Respondent.  
-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 6, 2014,

And defendant-respondent/third-party plaintiff-respondent-appellant Hudson River Park Trust having moved for dismissal of the appeal taken by plaintiff-appellant-respondent, and if said motion to dismiss is granted, deeming their appeal taken from the aforesaid order withdrawn,

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 taken by plaintiff-appellant-respondent is dismissed, and the appeal taken by defendant-respondent/third-party plaintiff-respondent-appellant Hudson River Park Trust is deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer, Justices.

-----x  
In the Matter of the Application of  
Shivonne Thompson,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-1830  
M-1942

Index No. 100237/15

-against-

New York State Division of Human Rights  
and New York City Housing Authority,  
Respondents-Respondents.

-----x  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about September 4, 2015, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief (M-1830),

And respondent-respondent New York City Housing Authority having cross-moved for dismissal of the aforesaid appeal for failure to timely perfect (M-1942),

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 cross motion (M-1942) is granted, the appeal is dismissed, and the motion (M-1830) is denied, as moot.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 31, 2016.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

-against-

Anthony Alvarez,  
Defendant-Appellant.

M-1931  
Ind. Nos. 1497/13  
1461/13

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2015, 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 August 8, 2016 for the October 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 May 31, 2016.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,  
Richard T. Andrias  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

-against-

M-1687  
Ind. No. 1129/14

Stacey Roundtree,  
Defendant-Appellant.

-----X

Defendant having moved for an order deeming the motion as a timely filed notice of appeal, or in the alternative, permission to file an untimely notice of appeal pursuant to CPL 460.30, and for assignment of the Center for Appellate Litigation on the SORA appeal under Bronx County Ind. No. 1129/14,

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 defendant to file a notice of appeal from the SORA order of the Supreme Court, Bronx County, entered on or about October 27, 2015, and from the Judgment of Resentence of said Court, rendered on or about December 8, 2015, and granting defendant leave to renew the within motion upon so filing the notice of 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 May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----x

De Song Liu,  
Plaintiff-Appellant-Respondent,

-against-

Essex Development LLC.,  
Defendant-Respondent-Appellant,

M-2440  
Index No. 154834/13

Ed-Mar Contracting, Inc. and Peter  
Stratigakis, doing business as Urban  
Contracting,  
Defendants-Respondents-Appellants,

-and-

Times Development, Inc.,  
Defendant-Respondent.

-----x

An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 11, 2015,

And plaintiff-appellant-respondent having moved for an enlargement of time to perfect the appeal and cross appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal and cross appeals to the November 2016 Term, with leave to seek a further enlargement, if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----x  
Guidance Enhanced Green Terrain, LLC,  
Plaintiff-Appellant,

-against-

Bank of America Merrill Lynch, also known M-2586  
as Merrill Lynch, Pierce, Fenner & Smith, Index No. 652009/14  
Inc., and Ronald Torok,  
Defendants,

-and-

Banc of America Credit Products, Inc.,  
Defendant-Respondent.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 8, 2015, and said appeal having been perfected,

And defendant-respondent having moved for an order striking plaintiff-appellant's reply 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 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 May 31, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----x  
David S. Butt,

Plaintiff-Respondent,

-against-

M-2678

Index No. 150891/13

R.N. Joseph Fine Jewelry LLC, et al.,

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 August 4, 2015,

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

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

ENTER:

  
CLERK

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

Respondent,

-against-

Brian Degraffenreid,

Defendant-Appellant.  
-----x

M-2135  
Ind. No. 2201/09

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

I, Peter Tom, 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: May 23, 2016  
New York, New York

ENTERED: **MAY 31 2016**

\*Description of Order:

Supreme Court, New York County, entered on January 12, 2012.  
App. Div., 1<sup>st</sup> Dept., Appeal No. 16574, Affd on April 7, 2016.

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.

✓

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

-----X

The People of the State of New York,

-against-

Jeremy Simmons

Defendant.

-----X

M-1821  
Ind. No. 491/12

ORDER DENYING ROR OR  
BAIL PENDING APPEAL

An appeal having been taken to this Court by the above-named defendant from the Judgment of the Supreme Court, New York County, rendered on July 9, 2013, and defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing defendant's pro se application, with proof of due service thereof, and the papers filed in support of said application, and further papers filed in opposition thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: May 20, 2016  
New York, New York



Justice of the Appellate Division

ENTERED: MAY 31 2016