

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 September 29, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x  
Chana Ringel,

Plaintiff-Respondent,

-against-

Binyomin Rogosnitzky,

Defendant-Appellant.  
-----x

M-3765  
Index No. 311906/07

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 28, 2016, and said appeal having been perfected,

And defendant-appellant having moved for a stay of enforcement of the order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Avril Nolan,  
Plaintiff-Respondent,

-against-

M-3473  
Claim No. 123283

The State of New York, The New York  
State Division of Human Rights,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order of the Court of Claims, New York County, entered on or about October 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 January 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Joshua N. Diaz and Given W. Lettsome,  
Plaintiffs-Appellants,

-against-

Samuel Almodovar, et al.,  
Defendants-Respondents.

M-3939  
Index No. 113516/10

-----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 April 2, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2017 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 September 29, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of

Christina Z., and Alexander Z.,  
Non-party Appellants,

Children Under 18 Years of Age Alleged  
to be Neglected Under §384-b of  
the Social Services Law of the State of  
New York.

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

Anne Z.,  
Respondent-Respondent.

M-3955  
Docket Nos. N-30039/13  
N-30040/13

- - - - -  
Seymour W. James, Jr., Esq.,  
Attorney for the Non-Party  
Appellants.

-----X

Non-party appellants having moved for an enlargement of time to perfect the appeal from the order of the Family Court, New York County, entered on or about October 7, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2017 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 September 29, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of Igor Oberman,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3972  
Index No. 100338/15

New York City Conflicts of Interest  
Board,  
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 October 15, 2015, to review a determination of respondent,

And petitioner having moved for an enlargement of time to perfect the 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 granted to the extent of enlarging the proceeding to the January 2017 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 September 29, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x

The People of the State of New York  
ex rel. Mark Crawford, Esq., on  
behalf of Jean Saint Clair,  
Petitioner-Appellant,

M-4057  
Index No. 260120/16

-against-

Warden of Vernon C. Bain Center,  
et al.,  
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 2, 2016,

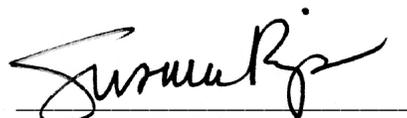
And an order of this Court having been entered on May 12, 2016 (M-1149), inter alia, granting a reduction in petitioner's bail on condition the appeal be perfected for the October 2016 Term,

And petitioner-appellant having moved for an enlargement of time to perfect 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 continuing the relief granted by the order of this Court entered May 12, 2016 (M-1149) on condition the appeal is perfected on or before November 7, 2016 for the January 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
SW Productions, Inc.,  
Plaintiff-Appellant,

-against-

M-3747  
Index No. 652990/14

CBGB Festival, LLC, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 29, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 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 September 29, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

Respondent,

-against-

M-3868  
Ind. No. 1905/11

Lazarus Roseboro,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 21, 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 February 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
IGS Realty Co., L.P.,  
Plaintiff-Respondent,

-against-

M-4048  
Index No. 603561/09

James H. Brady,  
Defendant-Appellant.

-----X

Defendant-appellant, pro se, 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 August 25, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Mohamed F.,  
Plaintiff-Respondent,  
  
-against-

**CONFIDENTIAL**  
M-3807  
Index No. 308749/12

Binta D.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about March 18, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

Kristopher Vagianos,  
Petitioner-Appellant,

-against-

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

M-3981  
Index No. 652190/14

-----X

Petitioner-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 May 15, 2016,

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 February 2017 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 September 29, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Elizabeth S.,  
Petitioner-Respondent-Appellant,

-against-

M-3809  
Docket Nos. V-42266/11  
V-49925/11

Edgard N.,  
Respondent-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Family Court, New York County, entered on or about October 8, 2016,

And respondent-appellant-respondent father having moved for an enlargement of time to perfect his 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 enlarging the time to perfect the appeal and cross appeal to the February 2017 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 September 29, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Yoon Jung Kim,  
Plaintiff-Respondent,

-against-

**M-4256**  
Index No. 155210/14

Gahee An and Changtae Seo, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 10, 2015, and said appeal having been perfected,

And, plaintiff-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, for an order striking defendants' appendix and brief, and if dismissal is not granted, for an enlargement of time to file a respondent's 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 solely to the extent of adjourning the perfected appeal to the February 2017 Term, without prejudice to plaintiff-respondent filing a respondent's appendix.

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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Orchard Hotel, LLC,  
Plaintiff-Respondent,

-against-

D.A.B. Group, LLC, et al., etc.,  
Defendants,

M-3355  
Index No. 850044/11

Brooklyn Federal Savings Bank, et al.,  
Defendants-Respondents,

Flintlock Construction Services,  
LLC,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeals taken from the orders of the Supreme Court, New York County, both entered on or about May 19, 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 appeals to the February 2017 Term, with leave to seek further enlargements, 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 September 29, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
Betty Floyd,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3862  
Index No. 401092/14

Glenn Gardens Associates, HPD,  
Respondents-Respondents.  
-----X

An appeal having been taken to this Court from the orders of the Supreme Court, New York County, both entered on or about January 6, 2016,

And an order of this Court having been entered on June 16, 2016 (M-2376) inter alia, denying petitioner-appellant's motion for a stay of the order and denying, with leave to renew, petitioner-appellant's application for leave to prosecute the aforesaid appeal as a poor person,

And petitioner-appellant having moved for reconsideration of this Court's order entered on June 16, 2016 (M-2376),

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 September 29, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
BSREP UA River Crossing, LLC,

Petitioner-Landlord-Respondent,

-against-

Tracy Davis,

Respondent-Tenant-Appellant.  
-----X

M-3780  
Index No. 570571/15

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 5, 2016, 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 September 29, 2016.

Present - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----x

Stephane Cosman Connery, et al.,  
Plaintiffs-Respondents,

-against-

M-3994

M-4205

Index No. 401336/05

Burton S. Sultan,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 26, 2016, and said appeal having been perfected,

And plaintiffs-respondents having moved for the imposition of costs and attorney's fees as against defendant-appellant, pursuant to Section 130-1.1 of the Rules of the Chief Administrator (M-3994),

And defendant-appellant having cross-moved for the same relief as against plaintiffs-respondents (M-4205),

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 denied, with leave to renew upon determination of the perfected, currently pending 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X

Deutsche Bank National Trust Company, etc.  
Plaintiff-Appellant,

M-4041  
M-4042  
M-4045

-against-

Index No. 850119/15  
850120/15  
850179/15

Royal Blue Realty Holdings, Inc.,  
Defendant-Respondent,

Unknown Heirs of the Estate of Serge Souto, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 6, 2016,

And, plaintiff-appellant having moved, by separate motions under separate index numbers, for a preliminary appellate injunction, precluding the enforcement or recording, with the County Land Records of the Supreme Court, an order cancelling a notice of pendency discharging plaintiff's mortgage; and precluding all defendants from transferring, encumbering or permitting to become subject to a security interest or lien, certain properties, pending hearing and determination 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 on condition the appeal is perfected for the January 2017 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 September 29, 2016.

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

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

-against-

M-4090  
Ind. No. 5465/11

June McEnroy-Miller,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 20, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated July 21, 2016, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2016.

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

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

-against-

M-4111  
Ind. No. 688/00

Jose Salgado,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 2012,

Now, upon reading and filing the stipulation of the parties hereto, dated August 2, 2016, and due deliberation having been had thereon,

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2016.

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

-----X  
In the Matter of the Commitment and  
Guardianship of the Custody of

Catherine G. M.,

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

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

M-2896  
Docket No. NN-36352/14

Catherine L.,  
Respondent-Appellant.

- - - - -  
Amanda Slater, Esq., Lawyers for  
Children, Inc.,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 17, 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) 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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

Melody Marie A.,

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

**M-3035**

Docket No. NN-18576/13

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

Dana Marie B.,  
Respondent-Appellant.

-----  
Ron Fisher, Esq.,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of Fact-Finding of the Family Court, Bronx County, entered on or about March 14, 2016 and from an Order of Disposition of said Family Court, entered on or about May 24, 2016, for the assignment of counsel, a free copy of the transcript(s), 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 prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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  
Support Under Article 4 of the  
Family Court Act.

-----  
Twania B.,  
Petitioner-Respondent,

-against-

**M-3219**  
Docket No. F-8346-05/15D

James A. B.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 29, 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, Daniel R. Katz, Esq., 339 West 88<sup>th</sup> Street, Apt. # 3, New York, NY 10024, Telephone No. (917) 886-5620, as counsel for purposes of prosecuting the appeal;

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

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2016.

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

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

-----  
Ryan Perrio M.,  
Petitioner-Respondent,

M-3590  
Docket No. O-32609/15

-against-

Caden D. M.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 15, 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, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. 212-233-0318, 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**

---

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

**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 September 29, 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

Geonni J. R., **M-3642**  
Docket Nos. D-5243/15  
A Person Alleged to Be a Juvenile D-52453-15/16A  
Delinquent,

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about June 14, 2016, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State 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

---

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

Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal **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:

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 September 29, 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.

Bahgat S., M-3186  
Petitioner-Appellant, Docket No. V-10646-01/15K

-against-

Mariana L.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 20, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-374-1962, 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

---

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

(M-3186)

September 29, 2016

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-3637, 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 September 29, 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.

Bahgat S., M-3637  
Petitioner-Appellant, Docket No. V-10646-01/15K

-against-

Mariana L.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 20, 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, Jo Ann Douglas, Esq., 170 Second Avenue, New York, NY 10003, Telephone No. 212-673-2895, 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-3186, 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 September 29, 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  
Adoption Under Article 6 of the  
Family Court Act.

-----X  
In the Matter of Aniyall G.,  
-----X  
Derrick G. and Victoria G.,  
Petitioners-Respondents,

**M-2865**  
Docket No. A-807/14

-against-

Anthony T.,  
Respondent-Appellant,  
  
Nakel B.,  
Respondent.

-----  
Linda McCarthy, Esq.,  
Attorney for the Child.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 11, 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, Bruce A. Young, Esq., 100 Church

Street, Suite #800, New York, NY 10007, Telephone No. (212) 965-0050, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3275, decided simultaneously herewith.)

ENTER:



CLERK

---

1

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 September 29, 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  
Adoption Under Article 6 of the  
Family Court Act.

-----X  
In the Matter of Aniyall G.,  
-----X

Derrick G. and Victoria G.,  
Petitioners-Respondents,

**M-3275**  
Docket No. A-807/14

-against-

Anthony T.,  
Respondent-Appellant,

Nakel B.,  
Respondent.

-----  
Linda McCarthy, Esq.,  
Attorney for the Child.  
-----X

Linda McCarthy, Esq., Family Court attorney for the subject child, having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about January 11, 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, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of responding to the appeal on the child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-2865, decided simultaneously herewith.)

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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/Visitation Under Article 6  
of the Family Court Act.

-----  
Marie-Perle P.,  
Petitioner-Appellant,  
  
-against-

**M-3004**  
Docket Nos. V-43444-6/15  
V-43448/15

Michael C.,  
Respondent-Respondent.

-----  
Kalechi Acholonu, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X  
  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 10, 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, New York 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 (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3188, decided simultaneously herewith.)

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 September 29, 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/Visitation Under Article 6  
of the Family Court Act.

-----  
Marie-Perle P.,  
Petitioner-Appellant,

**M-3188**  
Docket Nos. V-43444-6/15  
V-43448/15

-against-

Michael C.,  
Respondent-Respondent.

-----  
Kalechi Acholonu, Esq.,  
Lawyers for Children,  
Attorney for the Child.

-----X  
Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 10, 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, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, 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-3004, decided simultaneously herewith.)

ENTER:

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

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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 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

Jadallynn N.,

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

**M-3192**

Docket No. NN-32247/13

- - - - -  
The Administration for Children's Services, and The Commissioner of Social Services,  
Petitioners-Respondents,

Nydia F.,  
Respondent-Respondent,

Louis N.,  
Respondent,

Jadallynn N.,  
Respondent-Appellant/Child.

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

Harold Meyerson, Esq., Family Court attorney for the subject child, having moved on said child's behalf, for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 23, 2015, 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 Ave., Suite # 201, Jamaica, New York 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 State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3193, decided simultaneously herewith.)

ENTER:



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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 September 29, 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

Jadallynn N.,

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

**M-3193**

Docket No. NN-32247/13

- - - - -  
The Administration for Children's Services, and The Commissioner of Social Services,  
Petitioners-Respondents,

Nydia F.,  
Respondent-Respondent,

Louis N.,  
Respondent,

Jadallynn N.,  
Respondent-Appellant/Child.

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

-----X

Respondent mother, Nydia F., 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 October 23, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3192, decided simultaneously herewith.)

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 29, 2016.

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

-----x  
Bronxwood Home for the Aged, Inc.,  
Plaintiff-Respondent,

-against-

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

M-4365  
Index No. 300672/12

Haks Engineers, Architects and Land  
Surveyors, P.C.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 5, 2016, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 September 29, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Karla Moskowitz, Justices.

-----X  
Thomas A. Mike,

Plaintiff-Appellant,

-against-

M-1997  
Index No. 108385/10

91 Payson Owners Corp., et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court, entered on March 15, 2016 (Appeal No. 525),

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 September 29, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rosalyn H. Richter  
Judith J. Gische  
Ellen Gesmer, Justices.

-----X

Retail Advisors Inc.,

Plaintiff-Appellant,

-against-

SLG 625 Lessee LLC, et al.,

Defendants-Respondents.

-----X

M-2439

Index No. 650779/13

Plaintiff-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 April 5, 2016 (Appeal No. 732),

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 September 29, 2016.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X  
Uni-Rty Corporation, et al.,  
Petitioners-Appellants,

-against-

New York Guangdong Finance, Inc.,  
et al.,  
Respondents,

M-3281  
Index No. 157621/12

Guangdong Building Inc., et al.,  
Respondents-Respondents.  
-----X

Petitioners-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 7, 2016 (Appeal Nos. 1384-1385),

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 September 29, 2016.

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

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

-against-

Balgobin Manoo, et al.,  
Defendants,

M-3306  
Index No. 152858/12

Active Care Medical Supply Corporation,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on June 9, 2016 (Appeal No. 126),

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 reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is 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 this Court, which reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 September 29, 2016.

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

-----X  
Kyreese L. Franklin,  
Plaintiff-Appellant,

-against-

M-3787  
Index No. 20308/12E

Carmen Rosa Gareyua, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 9, 2016 (Appeal No. 16057),

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 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 affirmed 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.

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 September 29, 2016.

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

-----X  
Kevin Pludeman, et al.,  
Plaintiffs-Appellants,

-against-

M-3512  
Index No. 101059/04

Northern Leasing Systems, Inc., et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court, entered on June 21, 2016 (Appeal Nos. 1521-1522N),

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, upon reargument, the decision and order of this Court entered on June 21, 2016 (Appeal Nos. 1521-1522N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 1521-1522N, 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 September 29, 2016.

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

-----X  
VR Capital Group Ltd.,  
Plaintiff-Appellant,

-against-

M-3091  
Index No. 653259/15

Broadridge Financial Solutions, Inc.,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on May 17, 2016 (Appeal No. 1169N),

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, upon reargument, the decision and order of this Court entered on May 17, 2016 (Appeal No. 1169N) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1169N, 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 September 29, 2016.

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

-----X  
In re Broadway Worldwide, Inc.,

Petitioner,

-against-

M-3089

Index No. 100631/14

New York State Department of Economic  
Development,

Respondent.  
-----X

Petitioner having moved for reargument of the decision and order of this Court entered on May 17, 2016 (Appeal No. 1151),

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 September 29, 2016.

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

-----X  
Peter Chan, et al.,

Plaintiffs-Appellants-Respondents,

-against-

Rowena Cheung,

Defendant-Respondent-Appellant.  
-----X

M-2618  
M-2834  
Index No. 112212/09

Defendant-respondent-appellant having moved for reargument of the decision and order of this Court entered on April 12, 2016 (Appeal No. 455) [M-2618],

And defendant-respondent-appellant having separately moved for leave to appeal to the Court of Appeals from the aforesaid decision and order [M-2834],

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 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 September 29, 2016.

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

-----X  
Geoffrey Desrosiers, etc.,  
Plaintiffs-Appellants,

-against-

M-3224  
Index No. 151414/15

Perry Ellis Menswear, LLC, et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 10, 2016 (Appeal No. 1120),

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 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 this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 September 29, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Rosalyn H. Richter  
Judith J. Gische  
Marcy L. Kahn, Justices.

-----X  
Moon 170 Mercer, Inc.,  
Plaintiff-Respondent-Appellant,

-against-

M-4307  
Index No. 155605/12

Zachary Vella,  
Defendant-Appellant-Respondent.

-----X

Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about May 19, 2016, and the appeals having been perfected,

And defendant-appellant having moved for leave to file a supplemental 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 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 September 29, 2016.

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

-----X  
Pablo Pareja,  
Plaintiff-Respondent,

-against-

**M-2371**  
Index No. 158814/12

Anthony Davis,  
Defendant-Appellant.

-----X

Plaintiff-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 April 26, 2016 (Appeal No. 940),

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 September 29, 2016.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Troy K. Webber, Justices.

-----X

The Bank of New York Mellon, etc.,  
Plaintiff-Respondent,

-against-

WMC Mortgage, LLC,  
Defendant-Appellant,

M-3381  
Index No. 654464/12

J.P. Morgan Mortgage Acquisition  
Corporation, et al.,  
Defendants.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 23, 2016 (Appeal No. 1548N),

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 September 29, 2016.

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

-----X

Cowen and Company, LLC,

Plaintiff-Respondent,

-against-

M-3090

Index No. 650846/13

Fiserv, Inc.,

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 May 17, 2016 (Appeal No. 756),

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 September 29, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

-----X  
Richard Pettigano,

Plaintiff-Appellant,

-against-

Francisc Szasz and SMS Taxi Corp.,

Defendants-Respondents.  
-----X

**M-3925**

Index No. 158433/12

Defendants-Respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 18, 2015,

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

It is ordered that the motion is 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 September 29, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

Respondent,

-against-

**M-4201**

Ind. No. 201/14

Kevin Hurley,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 17, 2016,

And, defendant-appellant, via retained counsel Robert Fantone, Esq., having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard on the original record pursuant to NYCRR § 600.8[A][1] and CPLR § 5528[a][5], and upon a reproduced appellant's brief, 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 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 serve one copy of such brief upon the District Attorney of said county and file 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.

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 September 29, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer, Justices.

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

-against-

Jonathan Lee,  
Defendant-Appellant.

M-3741  
Ind. Nos. 1181/12  
2988/11

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 29, 2014, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 7, 2016 for the January 2017 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 September 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick  
Troy K. Webber, Justices.

-----X

PD Cargo, CA,  
Plaintiff-Appellant,

-against-

M-3687  
M-4245  
Index No. 653101/14

Paten International SA,  
Defendant-Respondent,

Lacteos CDS, etc., et al.,  
Defendants.

-----X

Plaintiff-appellant having moved (M-4245) for consolidation of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 8, 2016, with the consolidated appeals entered on or about September 10, 2015 and December 4, 2015 (See M-2697, entered July 7, 2016),

And, plaintiff-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about September 10, 2015 and December 4, 2015, respectively (M-3687),

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 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 and enlarging the time in which to perfect the consolidated appeals to the March 2017 Term.

ENTER:

  
CLERK

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M- 2133  
Ind. No. 7112/2004

-against-

CERTIFICATE  
DENYING LEAVE

Craig Pettiford,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 11, 2016 is hereby denied.

  
Justice

Dated: September 9, 2016  
New York, New York

ENTERED: **SEP 29 2016**



STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

-against-

M-3214  
Ind. No. 1402/13

Anthony Blue,  
Defendant,

ORDER DENYING ROR OR  
BAIL PENDING APPEAL

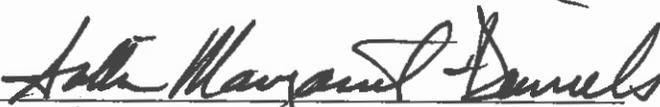
-----X

An appeal having been taken to this Court by the above-named defendant from a judgment of the Supreme Court, New York County, rendered on or about November 12, 2015, 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 the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

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

Dated: September 12, 2016  
New York, New York

  
Justice of the Appellate Division

ENTERED: SEP 29 2016

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

BEFORE: Hon. Paul G. Feinman  
Justice of the Appellate Division

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

M - 3388  
Ind. No. 4615/06

-against-

CERTIFICATE  
DENYING LEAVE

Lawrence Johnson,

Defendant.

-----X

I, Paul G. Feinman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Denis J. Boyle, J.), entered on or about May 25, 2016, is hereby denied, and the application for poor person relief is therefore moot.

Dated: September 9, 2016  
New York, New York



Hon. Paul G. Feinman  
Associate Justice

ENTERED: **SEP 29 2016**

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

BEFORE: Hon. Paul G. Feinman  
Justice of the Appellate Division

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

M - 3458  
Ind. Nos. 2562/93, 2950/93

-against-

CERTIFICATE  
DENYING LEAVE

Pedro Bridgewater  
A.K.A. Anthony Nunez,

Defendant.

-----X

I, Paul G. Feinman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Steven L. Barrett, J.), entered on or about June 16, 2016, is hereby denied.

Dated: September 06, 2016  
New York, New York



Hon. Paul G. Feinman

Associate Justice

ENTERED: **SEP 29 2016**

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



BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-3314  
Ind. No. 3822/91

-against-

CERTIFICATE  
DENYING LEAVE

Gill Terrence,  
Defendant-Appellant.  
-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated May 25, 2016, of the Supreme Court, New York County (Daniel Conviser, J), is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: September 9, 2016  
New York, New York

ENTERED: **SEP 29 2016**

✓

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

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-3968  
Ind. No. 3311/06

-against-

Lloyd Patrick,

Defendant.

-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County (Larry Stephen, J), entered on or about March 2, 2016.

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 defendant leave to file the certificate within 90 days from the date of entry hereof.

  
\_\_\_\_\_  
Justice

Dated: September 9, 2016  
New York, New York

ENTERED: **SEP 29 2016**

SUPREME COURT OF THE 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,  
Appellant,

M-4327.  
Ind. No. 4590/07

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Dwight Smith,  
Defendant-Respondent.

-----x  
I, Barbara R. Kapnick, 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: September 19, 2016  
New York, New York

ENTERED: SEP 29 2016

\*Description of Order:

Supreme Court, Bronx County, entered on September 28, 2012.  
App. Div., First Dept., Appeal No. 16558, Revd on August 25,  
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.

ORDER CORRECTED 10/19/16

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 September 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
Martin Stoner,

Plaintiff-Appellant,

M-3899

M-3900

-against-

Index No. 101399/14

Atlantic Realty Apts., LLC, et al.,

Defendants-Respondents.  
-----X

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

And, defendant Atlantic Realty Apts., LLC, having moved to adjourn plaintiff's perfected appeal, to strike plaintiff's brief and appendix, and to dismiss said appeal for failure to properly perfect (M-3899),

And, plaintiff having cross-moved, pro se, to strike defendant's aforesaid motion, for a preference in the hearing of the appeal, and for related relief including an injunction and sanctions (M-3900),

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 plaintiff's appeal is adjourned to the February 2017 Term. Plaintiff's **cross** motion is denied (M-3900). Defendant's motion is granted to the extent of

dismissing the appeal unless plaintiff expands the appendix to include the items specified in the following paragraphs of defendant's affirmation in support of (M-3899) ¶¶ 15, 16, 24, 25, 26, and 29, and omits the items set forth in ¶¶ 19 and 23. Plaintiff is also directed to conform the brief to the appendix including citations to the expanded appendix, by December 5, 2016. Defendant should then be allowed to file its respondent's brief on or before January 4, 2017 for the February 2017 Term of this Court.

ENTER:

  
\_\_\_\_\_  
CLERK