

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 April 13, 2017.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----x
John Bermingham,
Plaintiff-Appellant,

-against-

M-1233
Index No. 102409/11

Atlantic Concrete Cutting Inc.,
et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 17, 2017,

And, plaintiff-appellant having moved for a stay of the aforesaid 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 granted on condition the appeal is perfected for the September 2017 Term.

ENTERED:



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 April 13, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
U.S. Bank National Association, etc.,
Plaintiff-Appellant-Respondent, M-599
M-823
-against- M-901
Index No. 651954/13
GreenPoint Mortgage Funding, Inc.,
Defendant-Respondent-Appellant.
-----X

Plaintiff-appellant-respondent and defendant-respondent-appellant having moved by separate motions for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 29, 2016 (Appeal No. 1493) [M-599/M-901],

And defendant-respondent-appellant having moved for expedited consideration of the aforesaid motions [M-823],

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 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 the 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.

ENTERED:


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 April 13, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzairelli
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer, Justices.

-----X
In re Part 60 Put-Back Litigation

Federal Housing Financing Agency,
etc.,
Plaintiff,

Deutsche Bank National Trust Company,
in its Capacity as Trustee for the
MSAC 2007-NC1 Trust,
Plaintiff-Appellant,

SEALED

-against-

Morgan Stanley ABS Capital I Inc.,
Defendant-Respondent.

M-955
M-956
Index Nos. 650291/13
651959/13

In re Part 60 Put-Back Litigation

Federal Housing Financing Agency,
etc.,
Plaintiff,

Deutsche Bank National Trust Company,
in its Capacity as Trustee for the
MSAC 2007-NC3 Trust,
Plaintiff-Appellant,

-against-

Morgan Stanley Mortgage Capital
Holdings LLC, as Successor-by-Merger
to Morgan Stanley Mortgage Capital,
Inc.,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved by separate motions for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 17, 2017 (Appeal Nos. 2761-2762),

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.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", 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 April 13, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Marcy L. Kahn, Justices.

-----X
David Anderson,
Plaintiff-Respondent,

-against-

M-826
Index No. 154892/12

MSG Holdings, L.P., 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 3, 2017 (Appeal No. 2032),

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.

ENTERED:



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 April 13, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Anthony Zappin,
Plaintiff-Appellant,

-against-

M-1131
Index No. 301568/14

Claire Comfort,
Defendant-Respondent.

-----X

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 January 17, 2017 (Appeal No. 2778N),

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.

ENTERED:



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 April 13, 2017.

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

-----X

Liberty on Warren LLC., et al.,
Plaintiffs-Appellants,

-against-

M-1271
Index No. 650530/15

Dragon Estates Condo, 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, New York County, entered on or about June 21, 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 September 2017 Term.

ENTERED:



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 April 13, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber, Justices.

-----X
In the Matter of the Application of
Lloyd Gibbs,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1327
Index No. 250807/16

-against-

New York State Department of Motor
Vehicles, et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about August 2, 2016, to review a determination of respondents,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, for an enlargement of time to perfect the proceeding, 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 proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court with this Court. Petitioner is permitted to dispense with

payment of the required fee for the subpoena and filing of the record. The time to perfect the proceeding is enlarged to the September 2017 Term, and the motion is otherwise denied.

ENTERED:


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 April 13, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber, Justices.

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

Pablo P.,
Petitioner-Respondent,

-against-

M-1124
Docket No. 20006/12
New York State
Supreme Court
NY County Criminal Term
IDV Part

Marilyn Medina P.,
Respondent-Appellant.

Michael Scherz, Esq.,
Attorney for the Child.

-----X
An order of this Court having been entered on October 4, 2016 (M-3636), inter alia, granting respondent-appellant leave to prosecute, as a poor person, an appeal taken from an order of the **Family Court, Bronx County**, entered on or about June 9, 2016, and assigning counsel therefor,

And respondent-appellant having moved for an order correcting the aforesaid order to reflect the correct lower court name on the order to replace "Family Court, Bronx County" with Supreme Court, New York County, Criminal Term, Integrated Domestic Violence Part, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is granted to the extent of amending the prior order to reflect that the appeal is from an order of the Supreme Court, New York County, Integrated Domestic Violence Part. The motion, to the extent it seeks an enlargement of time to perfect the appeal, is denied as unnecessary.

ENTERED:



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 April 13, 2017.

Present: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber, Justices.

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

- - - - -
Pamela N.,
Petitioner-Respondent,

-against-

CONFIDENTIAL
M-1104
Docket Nos.
V-6334-15/15B
O-6026/15

Aaron A.,
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, (under both of the above docket numbers) entered on or about April 20, 2016; and an appeal having been taken from an order of said Family Court (under Docket No. V-6334-15/15B) entered on or about November 28, 2016,

And, respondent-appellant having moved for consolidation of the aforesaid appeals and an enlargement of time to perfect said appeals until after all transcripts pertaining to the order entered on November 28, 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 permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the

appeals; and enlarging the time to perfect both appeals to the deadline set in the order of this Court entered January 24, 2017 (M-6318) assigning counsel Carol Kahn as counsel for the appeal from order of Supreme Court entered on or about November 28, 2016 and enlarging the time to perfect the consolidated appeals to 60 days after receipt of the transcripts necessary to perfect same.

ENTERED:


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 April 13, 2017.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Fan-Dorf Properties, Inc., et al.,
Plaintiffs-Appellants,

-against-

Classic Brownstone Unlimited, LLC,
et al.,
Defendants-Respondents,

M-4455

Index No. 113094/10

Cathay Bank,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved clarification of the decision and order of this Court entered on August 25, 2016 (Appeal No. 1626),

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 decision and order of this Court entered on August 25, 2016 (Appeal No. 1626) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1626, decided simultaneously herewith.)

ENTERED:


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 April 13, 2017.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Hector L. Serrano, et al.,
Plaintiffs-Appellants,

-against-

M-650
Index No. 304663/10

Consolidated Edison Company of New York
Inc.,
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 January 3, 2017 (Appeal No. 2178-2178A),

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.

ENTERED:


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 April 13, 2017.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzaelli
Karla Moskowitz
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

James Couri,
Plaintiff-Appellant,

-against-

M-1307
Index No. 113512/08

John Seibert, et al.,
Defendants-Respondents.

-----X

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 February 28, 2017 (Appeal No. 3233),

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.

ENTERED:



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 April 13, 2017.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Angela M. Mazzairelli
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York
ex rel: Michael Nieves,
Petitioner-Appellant,

M-1064

Index No. 250806/16

-against-

Warden, Anna M. Kross Center, New York
City Department of Correction, and
New York State Division of Parole,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about May 24, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel is denied.

ENTERED:


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 April 13, 2017.

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

-----X

Arangelis Valverde,
Plaintiff-Appellant,

-against-

M-874X
Index No. 301892/13

Steb Realty Corp., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 20, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 21, 2017, and due deliberation having been had thereon,

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

ENTERED:


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 April 13, 2017.

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

-----X
Maria Luz Garcia Huidobro,
Plaintiff-Respondent,

-against-

M-881X
Index No. 312392/15

Pablo Duran Steinman,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 31, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 16, 2017, and due deliberation having been had thereon,

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

ENTERED:



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 April 13, 2017.

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

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

-against-

M-1370
Ind. No. 4817/12

Michael Flowers,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 26, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 9, 2017, and due deliberation having been had thereon,

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

ENTERED:


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 April 13, 2017.

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

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

-against-

M-1468
Ind. No. 5398/14

Gary Gibbons,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about May 19, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 17, 2107, and due deliberation having been had thereon,

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

ENTERED:



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 April 13, 2017.

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

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

CONFIDENTIAL

- - - - -
Charles R.,
Petitioner,

M-1349
Docket Nos. V-05057-16J
V-05057-12/16K

-against-

Lydia L.,
Respondent-Appellant.

-----X

Respondent-appellant having moved to withdraw the notice of appeal from an order of the Family Court, Bronx County, entered on or about November 10, 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 as moot, the underlying petition having been dismissed due to withdrawal of same.

ENTERED:



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 April 13, 2017.

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

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

-against-

M-915
Ind. No. 1927/15

Deshawn Donely,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

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

-against-

M-1467
Ind. No. 560/15

Anthony Scott,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 8, 2015 (M-3701), inter alia, assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2015,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1110, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


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 April 13, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-842
Ind. No. 4106/16

Richard Henderson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-888
Ind. No. 1594/16

Elizabeth Alvarez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 7, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

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

Respondent,

-against-

M-972
Ind. No. 59/15

Tyquan McNeill,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 8, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

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

Respondent,

-against-

M-1101
Ind. No. 4932/15

Jorge Vasquez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 22, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

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

Respondent,

-against-

M-1172
Ind. No. 2790/16

Jermell Johnson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 11, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

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

-against-

M-1207
Ind. No. 1005/11

Toffanie Mars,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 16, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTERED:


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 April 13, 2017.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-1126

-against-

Ind. No. 1738/11

Richard O.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about February 24, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

(M-1126)

-2-

April 13, 2017

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

ENTERED:



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 April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of

Toussaint E.,

CONFIDENTIAL

M-1027

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

Docket No. NN-42381/13

Administration for Children's Services,
Petitioner-Respondent,

Angeline M.,
Respondent-Appellant,

Allen E.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about January 19, 2017, 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, Thomas R. Villecco, Esq.,

366 North Broadway, Suite #410, Jericho, NY 11753, Telephone No. (516) 942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of

Toussaint E.,

CONFIDENTIAL

M-1090

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

Docket No. NN-42381/13

Administration for Children's Services,
Petitioner-Respondent,

Angeline M.,
Respondent-Appellant,

Allen E.,
Respondent-Appellant.

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

-----X

Respondent-appellant father 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 January 19, 2017, 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, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the

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

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

CONFIDENTIAL
M-1125

- - - - -
Kathy C.,
Petitioner-Respondent,

Docket No. V-41367-13/15A

-against-

Alonzo E.,
Respondent-Appellant.

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

Docket No. V-41991-13/15A

- - - - -
Alonzo E.,
Petitioner-Appellant,

-against-

Kathy C.,
Respondent-Respondent.

-----X

Respondent/petitioner-appellant, Alonzo E., having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about December 19, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, New York 10538, Telephone No. (914) 419-8407, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

CONFIDENTIAL

M-1127

Lorin F.,
Petitioner-Respondent,

Docket No. 0-1598/16

-against-

Jason D.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about November 21, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, New York 10538, Telephone No. (914) 419-8407, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹

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

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.**

ENTERED:



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 April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

CONFIDENTIAL
M-1128

- - - - -
Lorin F.,
Petitioner-Respondent,

Docket No. O-1598/16

-against-

Jason D.,
Respondent-Appellant

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about November 21, 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, Helen Bernstein, Esq., 44 Court Street, Suite #905, Brooklyn, NY 11201, Telephone No. (718) 875-8705, 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.

ENTERED:


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 April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of

Anissa J., Aishah H.,
and Nashid H.,

CONFIDENTIAL

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

M-1334
Docket Nos. B-13823/13
B-13824/13

Catholic Guardian Services,
Petitioners-Respondents,

Gregory C.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals taken from an order of the Family Court, Bronx County, entered on or about November 1, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, Suite #176, Larchmont, New York 10538, Telephone No. (914) 419-8407, as counsel for purposes of prosecuting the

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

ENTERED:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 13, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

- - - - -
Rita F.H.,
Petitioner-Respondent-Appellant,

CONFIDENTIAL
M-1179

Docket No. F-2657-93/10E

-against-

Jesse M.H.,
Respondent-Appellant-Respondent.

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

- - - - -
Jesse M.H.,
Petitioner-Appellant-Respondent,

Docket Nos. F-2657-93/11G
F-2657-93/11F

-against-

Rita F.H.,
Respondent-Respondent-Appellant.

-----X

Appeals having been taken by appellant Jesse M.H. from a judgment of the Support Magistrate of the Family Court, New York County, entered or about October 27, 2015, under Docket No. F-2657-93/10E; and from an order of the same Support Magistrate, entered on October 27, 2015, under Docket No. F-2657-93/11G; and from an order of the Family Court, New York County, entered on January 4, 2016,

And, by Rita H., pro se, having taken cross appeals from the above same orders,

And, appeals having been taken by appellant Jesse M.H. from orders of the aforesaid Support Magistrate, entered on or about January 6, 2017, February 10, 2016 and March 29, 2016,

And, Jesse M.H. having moved to enlarge the time to perfect the appeals taken from the orders entered on October 27, 2015 and January 4, 2016; to assign Carol Kahn, Esq., as counsel for Jesse M.H. on his appeal from the orders entered on January 6, 2017, February 9, 2016 and March 29, 2016, and to consolidate said appeal with his prior appeal; and dismiss the cross-appeals taken by Rita F.H.,

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 assigning Carol Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. (212) 227-0206, to prosecute the appeals taken from the orders entered on January 6, 2017, February 9, 2016 and March 29, 2016 and to consolidate said appeals with the appeals taken from the orders entered on October 27, 2015 and January 4, 2016. The time to perfect the consolidated appeals is enlarged to the September 2017 Term. So much of the motion which seeks to dismiss the cross appeals taken by Rita F.H. is denied with leave to renew upon proof of service of the motion directly upon Rita F.H. at her address set forth in her pro se notice of appeal,

And, it is further ordered that appellant(s) may perfect the consolidated appeals upon 9 copies of one record and of one set of appellants' points covering the appeals.

ENTERED:


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 April 13, 2017.

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

Justice Presiding,

Justices.

-----X
Coast to Coast Energy, Inc., et al.,
Plaintiffs-Appellants,

Margaret M. Spence, et al.,
Plaintiffs,

-against-

Mark Gasarch, et al.,
Defendants-Respondents,

John and Jane Does 1-100,
Defendants.

M-958
Index No. 651670/10

-----X
Plaintiffs having moved for reargument of the decision and order of this Court entered on January 26, 2017 (Appeal No. 1298),

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 January 26, 2017 (Appeal No. 1298) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1298 decided simultaneously herewith.)

ENTERED:


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 April 13, 2017.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber, Justices.

-----x
Antonina Fomina,
Plaintiff-Respondent,

-against-

DUB Realty LLC, et al.,
Defendants-Appellants,

M-1103
Index No. 309282/12

-and-

Century Vertical Systems, Inc., doing
business as Pro Elevator Services,
Defendant-Respondent.

-----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 May 5, 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 October 2017 Term, with no further enlargements to be granted.

ENTERED:



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 April 13, 2017.

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

-----X
Victor Lee,
Plaintiff-Respondent-Appellant,

-against-

M-750
Index No. 154602/14E

Alma Realty Corp., et al.,
Defendants-Appellants-Respondents.
-----X

Defendants-appellants-respondents, Alma Realty Corp., et al., 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 10, 2017 (Appeal No. 2667),

And, plaintiff-respondent-appellant opposing, and seeking costs,

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

It is ordered that the motion is denied in its entirety.

ENTERED:



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 April 13, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

In the Matter of

Lacee L.,

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

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

CONFIDENTIAL
M-1549
Docket No. NN-14741/14

Stephanie L.,
Respondent-Appellant,

Dekodia L.,
Respondent.

- - - - -
Patricia Moreno, Esq.,
Attorney for the Child.

-----X

Petitioner-respondent having moved on the child's behalf to dismiss respondent's appeal taken from the order of the Family Court, Bronx County, entered on or about April 5, 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 denied, without prejudice to addressing the issues directly on appeal.

ENTERED:



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 April 13, 2017.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

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

-against-

M-661
Ind. No. 1924/13

Dwayne Gentles,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 12, 2016 (M-5114), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 13, 2015, and assigning Richard M. Weinstein, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, 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 striking the designation of assigned counsel Richard M. Weinstein, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


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 April 13, 2017.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-960
Ind. No. 1395/14

Abdoulaye Sow,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 8, 2016 (M-562), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 18, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, 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 striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:


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 April 13, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Paul G. Feinman
Judith J. Gische, Justices.

-----X

Children's Magical Garden, Inc.,
Plaintiff-Respondent/Respondent,

-against-

M-908

Index No. 152094/14

Norfolk Street Development, LLC, et al.,
Defendants-Appellants,

157, LLC,
Defendant-Appellant.

-----X

Appeals having been taken to this Court by Norfolk Street Development, LLC, et al. from orders of the Supreme Court, New York County, entered on or about November 23, 2015 and July 5, 2016, respectively, and said appeals having been perfected,

And plaintiff-respondent-respondent having moved to strike defendant-appellants' brief, or in the alternative, for leave to supplement the record on appeal,

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

It is ordered that the motion is granted to the extent of permitting plaintiff-respondent-respondent to file a supplement to the record containing Exhibits E and F from their moving papers within 5 days of this order, and otherwise denied.

ENTERED:


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 April 13, 2017.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.,
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

In the Matter of

Jaden T.,

CONFIDENTIAL

M-1095

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D-18720/15

Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 19, 2016,

And, Seymour W. James, Jr., Esq., assigned counsel for juvenile 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 enlarging the time to perfect the appeal to the September 2017 Term.

ENTERED:


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 April 13, 2017.

PRESENT Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----x
Myrtle W. Andrews and Sandra Andrews,
Plaintiffs-Appellants,

-against-

M-976
Index No. 305645/09

Estate of Francis K. Andrews, et al.,
Defendants-Respondents.
-----x

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 21, 2015,

And plaintiffs-appellants having moved to stay all proceedings pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied as moot, said appeal having been dismissed by an order of this Court entered on March 28, 2017 (M-380/M-893).

ENTERED:


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 April 13, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X

Ian M. Washam, et al.,
Plaintiffs-Appellants,

-against-

M-715
Index No. 20339/14

O'Hathairne Brothers, Inc., et al.,
Defendants,

Michael F. Harney, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 3, 2017 (Appeal No. 2596),

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.

ENTERED:



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 April 13, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman
Ellen Gesmer, Justices.

-----X
Frances C. Peters,
Plaintiff-Appellant,

-against-

M-974
Index No. 600456/04

George Christy Peters, et al.,
Defendants-Respondents.
-----X

A purported appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 5, 2016,

And an order of this Court entered on February 7, 2017 (M-29) having denied plaintiff-appellant's motion to enjoin a certain non-party and/or his agents from transferring certain records and directing said non-party to disclose the location and condition of certain files,

And plaintiff-appellant having moved to reargue the aforesaid order of this Court entered on February 7, 2017 (M-29),

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.

ENTERED:



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 April 13, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Renee Lindsay-Thompson, et al.,
Plaintiffs-Appellants,

-against-

M-1087
Index No. 300113/10

Montefiore Medical Center, et al.,
Defendants-Respondents.
-----X

Plaintiffs-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 February 23, 2017 (Appeal No. 3178),

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.

ENTERED:



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 April 13, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X

Wells Fargo Bank, N.A.,
Plaintiff-Respondent,

-against-

M-184
Index No. 380973/09

Alyssa Dreyfus, Heir to the Estate
of Joseph N. Genovese, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the auction and sale of the property in question pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 7, 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 on condition that the appeal is perfected for the June 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 April 13, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of

Jamel S.,
Jaylen G.,
Desire G.,
Christopher G.,
and Carven S.,

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

Administration for Children's Services,
Petitioner-Respondent,

M-622
Docket Nos.
NN-36405-09/14

Crystal G.,
Respondent-Appellant,

Jaylen G., Christopher G., and Jamel S.,
Appellants.

Karen Freedman, Esq.,
Lawyers for Children, Inc.,
Attorney for the Children
Jaylen G. and Christopher G.,

Tamara Steckler, Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child Jamel S.

-----X

Separate appeals having been taken to this Court from the order of the Family Court, New York County, entered on or about September 28, 2016,

And, Karen Freedman, Esq., court attorney for the subject children Jaylen G. and Christopher G., having moved to withdraw said children's appeal,

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

It is ordered that the motion is granted, and the appeal taken by subject children Jaylen G. and Christopher G., is withdrawn. The stay granted by an order of this Court on January 10, 2017 (M-4993/M-5136), is vacated.

ENTERED:



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 April 13, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Dexter Manswell, etc., et al.,
Plaintiffs-Respondents,

-against-

M-6606
Index No. 308201/08

Montefiore Medical Center,
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 November 22, 2016 (Appeal No. 2258),

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.

ENTERED:



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 April 13, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

Leonel P.,
Defendant.

CONFIDENTIAL
M-875
Ind. No. 3240/13

-----X

The People having moved for an order releasing the names and addresses of the jurors and alternate jurors in the trial of *People v Leonel P.*, that took place in New York Criminal Court before Justice Robert Mandelbaum from June 19, 2012 through June 21, 2012,

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

Ordered that the motion is denied.

ENTERED:



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 April 13, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Deutsche Zentral Genossenschaftsbank,
AG, etc., et al.,
Plaintiffs-Respondents,

-against-

M-1729
Index No. 654035/12

Morgan Stanley, et al.,
Defendants-Appellants.

-----X

Defendants-appellants in connection with the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 24, 2014 and August 13, 2014, having moved for leave to file a pro se supplemental brief,

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

It is ordered that the motion is denied.

ENTERED:



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 April 13, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

Emmanuel B.,
Defendant-Appellant.

SEALED

M-1220

Ind. No. 726/13

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County (Padro, J.), rendered on or about April 1, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and 8 files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Padro as yet not transcribed. 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.

Rosemary Herbert, 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.

ENTERED:


CLERK

✓

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-1316
Ind. No. 9346/1987

-against-

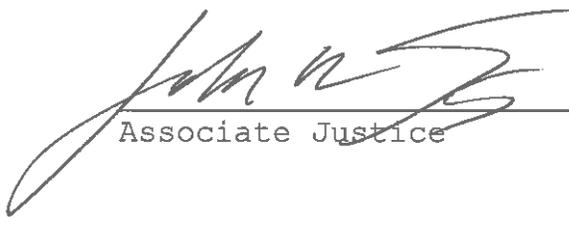
CERTIFICATE
DENYING LEAVE

Jose Guerro,

Defendant.

-----X

I, John W. Sweeny, Jr., 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, dated on or about February 24, 2017 (Kevin McGrath, J.) is hereby denied.



Associate Justice

Dated: April 10, 2017
New York, New York

ENTERED: APR 13 2017



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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-5970
M-6396
Ind. No. 5994/09

-against-

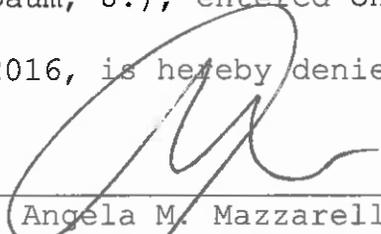
CERTIFICATE
DENYING LEAVE

Louis Rodriguez,

Defendant.

-----X

I, Angela M. Mazzarelli, 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 orders of the Supreme Court, New York County (Robert M. Mandelbaum, J.), entered on or about October 5, 2016 and November 22, 2016, is hereby denied.



Hon. Angela M. Mazzarelli
Associate Justice

Dated: *March 13, 2017*
New York, New York

ENTERED APR 13 2017



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

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

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

M-1282
Ind. No. 8809/91

-against-

CERTIFICATE
DENYING LEAVE

Prince Backman,

Defendant.

-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated December 19, 2016, is hereby denied.

Dated: April 5, 2017
New York, New York

ENTERED

APR 13 2017

Hon. Barbara R. Kapnick
Associate Justice

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

BEFORE: Hon. Ellen Gesmer
Justice of the Appellate Division

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

M-926
Ind. No.4546/11

-against-

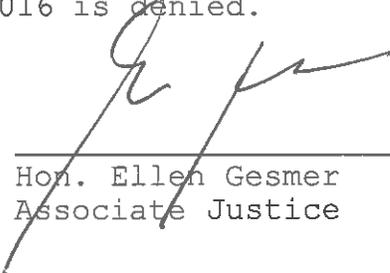
CERTIFICATE
DENYING LEAVE

William Pelzer,

Defendant.

-----X

I, Ellen Gesmer, a Justice of the Appellate Division, First Judicial Department, certify that the application of the above-named defendant for a certificate pursuant to Criminal Procedure Law sections 450.15 and 460.15 fails to properly present any question of law or fact 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 December 21, 2016 is denied.



Hon. Ellen Gesmer
Associate Justice

Dated: April 5, 2017
New York, New York

ENTERED: APR 13 2017