

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Security Pacific National Bank,
Plaintiff-Respondent,

-against-

M-6068
Index No. 22899/92

Tracie Evans,
Defendant-Appellant,

Arnold Lepelstat, et al.,
Defendants-Respondents.

-----X

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

And defendant-appellant, pro se, having moved to stay enforcement 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 denied, and the interim order granted by a Justice of this Court on November 30, 2016, is hereby vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on January 3, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels, Justices.

-----X
In Re: 91st Street Crane Collapse Index No. 771000/10
Litigation

Maria Leo, Administratrix of the Estate of M-5975
Her Son, Donald Christopher Leo, M-5982
Plaintiff-Respondent, **Action No. 1**
Index No. 117294/08

-and-

Bernadette Panzella, P.C.,
Non-Party Intervenor-Respondent,

-against-

James F. Lomma, J.F. Lomma Inc., and
New York Crane & Equipment Corp.,
Defendants-Appellants.

-----X
New York Crane & Equipment Corp., James F.
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,
initially sued as TES Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp.,
Third-Party Defendant.

-----X
New York Crane & Equipment Corp., James F.
Lomma, J.F., Lomma Inc., and T.E.S. Inc.,
initially sued as TES Inc.,
Second Third-Party Plaintiffs-Appellants,

-against-

Brady Repair Co., Testwell, Inc.,
Second Third-Party Defendants.

-----X

-----X
In Re: 91st Street Crane Collapse
Litigation

- - - - -
Xhevahire Sinanaj and Selvi Sinanovic, as
Co-Administrators of the Estate of Ramadan
Kurtaj, Deceased & Selvi Sinanovic,
Individually,
Plaintiffs-Respondents,

Action No. 2
Index No. 117469/08

-against-

James F. Lomma, New York Crane &
Equipment Corp., J.F. Lomma Inc.,
Defendants-Appellants.

-----X
New York Crane & Equipment Corp.,
James F. Lomma, J.F. Lomma Inc., and
T.E.S. Inc., initially sued as TES Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Sorbara Construction Corp.,
Third-Party Defendant.

-----X
New York Crane & Equipment Corp.,
James F. Lomma, J.F. Lomma Inc., and
T.E.S. Inc., initially sued as TES Inc.,
Second-Third-Party Plaintiffs-Appellants,

-against-

Brady Marine Repair Co., and Testwell, Inc.,
Second-Third-Party Defendant.

-----X
(And Additional Third-Party Actions)
-----X

Appeals having been taken in Action No. 1 by third-party/second third-party plaintiffs New York Crane & Equipment Corp. and in Action No. 2 by defendants third-party plaintiffs, from judgments of the Supreme Court, New York County, entered on or about January 5, 2016,

And plaintiffs-respondents and intervenor respondents having moved jointly to enlarge the record on appeal to include certain documents in a bankruptcy proceedings initiated by defendants-appellants (M-5975/M-5982),

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:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----x
Thomas Harley,

Plaintiff-Appellant,

-against-

M-5668
Index No. 301835/12

Dr. Tatyiana Berman, et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 22, 2015,

And defendant-respondent Jonathan Weiss, D.D.S., initially sued herein as Dr. Weiss, having moved for dismissal of the appeal as against him,

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 as against Dr. Weiss.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on January 3, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzairelli
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

-----X
Mobile Methodology, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-5796
Index No. 652767/11

Zenova Corp., doing business as
lookit design,
Defendant-Appellant,

Andrew P. Saulitis, et al.,
Counterclaim Defendants.

-----X

Defendant-appellant having moved for an enlargement of time
to perfect the appeal from the order of the Supreme Court, New
York County, entered on or about September 24, 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 April 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 January 3, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

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

Rita Fisher, M-5800
Petitioner-Appellant, Index No. 101665/13

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

-against-

Darryl C. Townes, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 24, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2017 Term, with no further enlargement 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 in the County of New York on January 3, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

-----X
AXA Winterthur Insurance Co.,
Plaintiff-Respondent,

-against-

M-6021
Index No. 650507/11

Transvalue, Inc., and Certain
Interested Underwriters at Lloyd's,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 29, 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 May 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 January 3, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices,

-----X
CeCe & Co. Ltd., LLC, as Registered
Residual Holder and Nominee for
VCG Securities, LLC, VCG Securities,
LLC,
Plaintiffs-Appellants,

-against-

M-6023
Index No. 652491/15

U.S. Bank National Association,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 3, 2016, as amended by same Court and Justice, on or about March 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 to the extent of enlarging the time to perfect the appeal to the May 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on January 3, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

-----X
Oxana Matveeva,
Plaintiff-Respondent,

-against-

M-6069
Index No. 314802/13

Sergey Nikolaev,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about February 26, 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 on or before February 21, 2017, for the May 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 January 3, 2017.

Present - Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----x
Marie Diggs,

Plaintiff-Appellant,

-against-

M-5661

Index No. 152398/12

125th Street Holding Company, LLC, et al.,

Defendants-Respondents.
-----x

Defendant-respondent JLJ IV Enterprises, Inc., having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about January 12, 2016, for failure to timely prosecute,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Timothy Reif, et al.,
Plaintiffs-Respondents,

-against-

M-6033
Index No. 161799/15

Richard Nagy, Richard Nagy Ltd.,
Artworks by the Artist Egon Schiele
known as Woman In a Black Pinafore
and Woman Hiding Her Face,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about September 13, 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 the appeal is perfected on or before January 30, 2017 for the April 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 January 3, 2017.

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

-----x

Richard Parker,
Plaintiff-Appellant,

M-5833

-against-

Index No. 100463/12

Board of Governors and Managers of the
Golden Wheel Condominium, et al.,
Defendants-Respondents.

- - - - -

Buy Rite Pharmacy, Inc., et al.,
Third-Party Plaintiffs-Respondents,

-against-

Index No. 590535/13

MP Design and Builts, Inc., et al.,
Third-Party Defendants-Respondents.

-----x

Third-party defendant-respondent MP Design and Builts, Inc., having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 4, 2015,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

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

Jisselle F.,
Petitioner-Respondent, **M-5829**
Docket No. O-37378/16

-against-

Jose T.,
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, New York County, entered on or about October 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

January 3, 2017

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;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 January 3, 2017.

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

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

- - - - -
Johnell E. K.,
Petitioner-Respondent,

M-5871

Docket Nos. V-1771/14
V-30013/13
V-30013-13/14G
V-1771-14/15G
V-30013-13/15H

Fatima T.,
Respondent-Appellant.

- - - - -
Veronica Mandel, 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 October 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, 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;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 January 3, 2017.

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

-----X
In the Matter of

Cerenity F.,

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

M-5984
Docket No. NN-16089/16

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

Jennifer W.,
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 November 7, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, 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 January 3, 2017.

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

-----X
In the Matter of

Tiffany Nevaeh L.,
also known as Tiffany C.,

M-6038

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. Docket No. B-34936/14

- - - - -
New York Foundling Hospital Adoption & Legal Services, The Administration for Children's Services,
Petitioners-Respondents,

Marcelino L.,
Respondent-Appellant.

- - - - -
Douglas H. Reiniger, Esq.,
Attorney for the Child.

-----X

Dominic Sarna, Esq., attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 6, 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, Douglas H. Reiniger, Esq., 801

Second Avenue, 10th Floor, New York, NY 10017, Telephone No. 646-627-8875, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on January 3, 2017.

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

-----x
In the Matter of a Guardianship
Proceeding Under Article 6 of the
Family Court Act.

- - - - -
Aliyah B.,
Petitioner-Appellant,

-against-

M-6056
Docket No. G-06801/15

Administration for Children's Services,
et al.,
Respondents-Respondents,

Douglas H. Reiniger, Esq.,
Attorney for the Subject Child
Mandju K.

-----x
Michael DeMattio, Esq., counsel for the subject child,
Mandju K., having moved on the child's behalf for leave to
respond, as a poor person, to the appeal from the order of the
Family Court, Bronx County, entered on or about February 8, 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, Douglas H. Reiniger, Esq., 801
Second Avenue, 10th Floor, New York, NY 10017, Telephone No.
646-627-8875, 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----X

Veronica Medina,
Plaintiff-Appellant,

-against-

M-5162
Index. No. 102951/10

Elizabeth Arden, Inc., and Macy's, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 7, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5154
Ind. No. 3498/11

Dawn Jones,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 11, 2014 (M-2183), inter alia, assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 14, 2014,

And counsel having moved for an order abating the appeal by reason of appellant's death on June 14, 2016, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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

It is ordered that the motion is granted to the extent of dismissing the appeal, and remanding the matter to the Supreme Court, Bronx County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----X
New York Center for Esthetic & Laser
Dentistry and David Poiman,
Plaintiffs-Appellants,

-against-

M-4641
Index No. 154374/12

VSLP United LLC and DRRM Universal
LLC,
Defendants-Respondents.

-----X

An appeal purportedly having been taken from the order of the Supreme Court, New York County, entered on or about June 23, 2016,

And, plaintiffs-appellants having moved for an order staying a money judgment pending hearing and determination of the appeal,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated September 14, 2016, is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----X
Cara Associates, L.L.C., et al.,
Plaintiffs-Respondents,

-against-

M-5169
Index No. 651726/15

Howard P. Milstein, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 6, 2016,

And plaintiffs-respondents having moved for summary affirmance of the aforesaid order and judgment,

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 raising the arguments on the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Tanya Gonzalez,
Plaintiff-Appellant,

-against-

M-5838
Index Nos. 302570/10
84027/11

Riverbay Corporation, et al.,
Defendants-Respondents.

-----X
[And a third-party action]

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 5, 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 April 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 January 3, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Jose Guerrero,
Plaintiff,

-against-

M-5889
Index No. 305991/11

326-328 East 4 Realty, LLC, et al.,
Defendants-Respondents.

-----X
326-328 East 4 Realty, LLC, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Casur Corp.,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant Casur Corp. having moved for
an enlargement of time to perfect the appeal from the order of
the Supreme Court, Bronx County, entered on or about February 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
enlarging the time to perfect the appeal to the April 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 January 3, 2017.

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

-----X
Grundman Mechanical Systems, Inc.,
Plaintiff-Respondent,

-against-

M-5812
Index No. 601587/09

Barr & Barr, Inc., et al.,
Defendants-Respondents.

-----X
Alfa Piping, Inc.,
Plaintiff-Appellant,

-against-

Grundman Mechanical Systems, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant Alfa Piping, Inc., having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 23, 2015,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 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 January 3, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
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-6027
Index No. 260120/16

-against-

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

-----X

An appeal having been taken from an 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) maintaining the order of a Justice of this Court, dated March 4, 2016, reducing petitioner's bail on condition he perfects his appeal for the October 2016 Term,

And, petitioner having moved for an enlargement of time to perfect the appeal and for continuation of the aforesaid stay,

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

Ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2017 Term and continuing the relief granted by the order of this Court dated May 12, 2016 (M-1149), on condition that petitioner perfect his appeal on or before February 21, 2017, for the May 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 January 3, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
Ellen Gesmer, Justices.

-----X

In the Matter of a Proceeding Under
Article 70 of the CPLR for a Writ of
Habeas Corpus,

The Nonhuman Rights Project, Inc., on
behalf of Tommy,
Petitioner-Appellant,

M-6218
Index No. 162358/15

-against-

Patrick C. Lavery, etc., et al.,
Respondents-Respondents.

- - - - -
Richard L. Cupp, Jr., Pepperdine
University School of Law,
Amicus Curiae.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 8, 2016 and January 29, 2016, respectively, and said appeals having been perfected,

And, petitioner-appellant having moved for leave to file a brief in response to the amicus curiae brief filed by Richard L. Cupp, Jr., Pepperdine University School of Law in connection with the aforesaid appeal,

(M-6218)

-2-

January 3, 2017

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

Ordered that the motion is denied.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

PRESENT:	Hon. Peter Tom,	Justice Presiding,
	Rosalyn H. Richter	
	David B. Saxe	
	Judith J. Gische	
	Ellen Gesmer,	Justices.

-----X

In the Matter of a Proceeding Under
Article 70 of the CPLR for a Writ of
Habeas Corpus,

The Nonhuman Rights Project, Inc., on
behalf of Tommy,
Petitioner-Appellant,

M-6219
Index No. 162358/15

-against-

Patrick C. Lavery, etc., et al.,
Respondents-Respondents.

- - - - -

Richard L. Cupp, Jr.,
Pepperdine University School of Law.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 8, 2016, and said appeal having been perfected,

And, Professor Laurence H. Tribe having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

(M-6219)

-2-

January 3, 2017

Ordered that the motion is granted and the amicus briefs filed by movant with the moving papers are deemed filed.

ENTER:

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 January 3, 2017.

PRESENT:	Hon. Peter Tom,	Justice Presiding,
	Rosalyn H. Richter	
	David B. Saxe	
	Judith J. Gische	
	Ellen Gesmer,	Justices.

-----X

In the Matter of a Proceeding Under
Article 70 of the CPLR for a Writ of
Habeas Corpus,

The Nonhuman Rights Project, Inc., on
behalf of Kiko,
Petitioner-Appellant,

M-6222
Index No. 162358/15

-against-

Patrick C. Lavery, etc., et al.,
Respondents-Respondents.

- - - - -

Richard L. Cupp, Jr., Pepperdine
University School of Law.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 8, 2016, and said appeal having been perfected,

And, Professors Justin Marceau and Samuel R. Wiseman having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

(M-6222)

-2-

January 3, 2017

Ordered that the motion is granted and the amicus briefs filed by movants with the moving papers are deemed 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 January 3, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
Ellen Gesmer, Justices.

-----X

In the Matter of a Proceeding Under
Article 70 of the CPLR for a Writ of
Habeas Corpus,

The Nonhuman Rights Project, Inc., on
behalf of Kiko,

Petitioner-Appellant,

M-6223

Index No. 150149/16

-against-

Carmen Presti, etc., et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 29, 2016, and said appeal having been perfected,

And, Professor Laurence H. Tribe having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

Ordered that the motion is granted and the amicus briefs filed by movants with the moving papers are deemed 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 January 3, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
David B. Saxe
Judith J. Gische
Ellen Gesmer, Justices.

-----X
In the Matter of a Proceeding Under
Article 70 of the CPLR for a Writ of
Habeas Corpus,

The Nonhuman Rights Project, Inc., on
behalf of Kiko,
Petitioner-Appellant,

M-6224
Index No. 150149/16

-against-

Carmen Presti, etc., et al.,
Respondents-Respondents.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 29, 2016, and said appeal having been perfected,

And, Professors Justin Marceau and Samuel R. Wiseman having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

Ordered that the motion is granted and the amicus briefs filed by movants with the moving papers are deemed 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 January 3, 2017.

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

-----x
Saquan Gaddy, an infant by his mother
and natural guardian, Angela Falu,
Plaintiff-Respondent,

-against-

M-5128
Index No. 350078/14

RJS Transport LLC, et al.,
Defendants-Appellants.

- - - - -

RJS Transport LLC, et al.,
Third-Party Plaintiffs-Appellants,

Index No. 84050/15

-against-

Tousseni Alidou, et al.,
Third-Party Defendants-Respondents.

-----x

An appeal having been taken to this Court by defendant/third-party plaintiffs from the order of the Supreme Court, Bronx County, entered on or about July 27, 2016,

And plaintiff-respondent having moved to strike the notice of appeal as untimely taken (CPLR 5513[a]),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----x
Jonathan I. Klein,

Plaintiff-Appellant,

-against-

M-5034
Index No. 152224/14

Clinton Park Development, LLC, et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 20, 2014,

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

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

- - - - - M-5834
Asha E., Docket Nos. V-13839-12/14D
Petitioner-Respondent, V-49824-11/14D
V-41935-13/14B
-against-

Anthony J.,
Respondent-Appellant.

- - - - -
Lewis S. Calderon, Esq.,
Attorney for the Child
Te'vorian Jelani Ellis J.,
also known as Te'vorian J.,
-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about September 25, 2015,

And assigned counsel for respondent-appellant, Douglas H. Reiniger, Esq., having moved to be relieved as counsel in connection with 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, counsel is relieved and, sua sponte, the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----x
141 Avenue A Associates LLC,

Petitioner-Respondent,

-against-

M-5763
Index No. 570716/15

Jay Klein,

Respondent-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Appellate Term, First Department, entered on or about October 29, 2015,

And petitioner-respondent having moved for dismissal of the aforesaid appeal, and to vacate an existing stay of execution of the warrant of eviction,

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, the appeal is dismissed, and the stay of execution of the warrant of eviction issued by the Appellate Term, First Department, is vacated five days from the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on January 3, 2017.

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

-----X
Dashawn Tingman,
Plaintiff-Respondent,

-against-

M-5750
Index No. 18565/06

Sam Lan, M.D., Montefiore Medical
Center,
Defendants-Appellants,

Jing Song, M.D.,
Defendant.

-----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 April 21, 2015,

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

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the April 2017 Term.

ENTER:



CLERK

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

-----X

The People of the State of New York,

Respondent,

-against-

Morgan Greenburger,

Defendant-Appellant.

-----X

M-4018

Ind. No. 3880/12

1214/12

ORDER


GRANTING EXTENSION

OF TIME

Defendant having moved for leave for an extension of time to file a motion pursuant to CPL § 460.15 for a certificate granting leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about May 26, 2016 denying defendant's motion to set aside his sentence pursuant to CPL §§ 440.10, 440.20, and 440.30,

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

ORDERED that permission for an extension of time is hereby granted on the condition that defendant file his leave application by April 10, 2017.



Hon. Karla Moskowitz
Associate Justice

Dated: December 7, 2016
New York, New York

Entered: JAN 03 2017

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division
-----X

The People of the State of New York,

-against-

Lawrence E. Penn III,

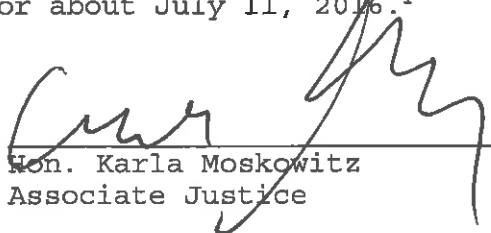
Defendant.
-----X

M-3975
Ind. No. 0073/14

CERTIFICATE
GRANTING LEAVE

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about July 11, 2016.¹

Dated: December 8, 2016
New York, New York


Hon. Karla Moskowitz
Associate Justice

ENTERED

JAN 03 2017

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹ In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

✓

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division
-----X
The People of the State of New York,

-against-

M-5438
Ind. No. 2635/08

CERTIFICATE
GRANTING LEAVE

Reginald Wiggins,

Defendant.

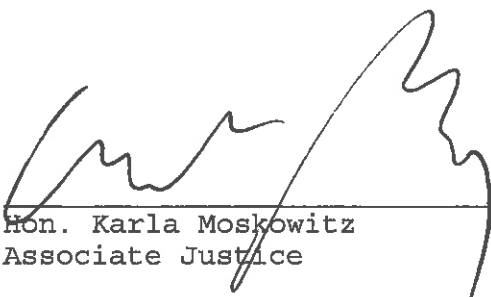
-----X
I, Justice Karla Moskowitz, a Justice of the Appellate Division,
Supreme Court, First Department, do hereby certify that in the record
and proceedings herein* questions of law are involved which ought to
be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

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

Dated: *November 14*, 2016
New York, New York

ENTERED

JAN 03 2017



Hon. Karla Moskowitz
Associate Justice

* Supreme Court, New York County, (Ronald A. Zweibel, J.),
rendered October 7, 2014, App. Div., First Dept., Appeal No.
1383, *affd* on October 6, 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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 3, 2017.

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

-----X
Shatima Turner, et al.,
Plaintiffs-Appellants,

-against-

Owens Funeral Home, Inc., et al.,
Defendants-Respondents.

M-5568
M-5567
Index No. 20229/12

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 30, 2015, and said appeal having been perfected,

And Owens Funeral Home and Andrew Cleckly, etc., "the funeral home defendants", having moved for dismissal of the aforesaid appeal or, in the alternative, for adjournment of the appeal (M-5568),

And North Shore Long Island Jewish Medical Center, et al., "the LIJ defendants", having separately moved for dismissal of the aforesaid appeal or, in the alternative, to strike certain portions of the appendix and appellants' brief, or for other relief (M-5567),

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, without prejudice to raising substantive arguments upon hearing of the appeal. With respect to the appendix, the following portions are deemed struck from the record: (1) plaintiffs' order to show cause to reargue the venue motions dated August 31, 2015 (A. 138-140); (2) the attorney affirmation in support of plaintiffs' order to show cause (A. 141-169), and; (3) correspondence from counsel for the funeral home defendants to the trial court dated September 8, 2015 (A. 170). Plaintiffs-appellants are directed to file a new

brief, without reference to the aforementioned documents, on or before January 30, 2017, for the April 2017 Term, to which Term the perfected appeal should be adjourned.

ENTER:


CLERK